

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 12, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 11

### SENATE

TUESDAY, February 12, 1991.

The Senate met at 11:30 a.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend KARIN CARROLL, Associate Pastor of Camp Hill Presbyterian Church, Camp Hill, offered the following prayer:

Let us pray.

Gracious and mighty God, judge of all nations, You have given us another day rich with blessing.

We thank You for all those who labor in this Chamber to govern and to guide, and we ask Your blessing on what they accomplish here.

God of our ancestors, in every age You raise up leaders to guide us in times of peril. On this day we remember especially Abraham Lincoln, who gave the last full measure of devotion and public service to this country. In these troubled times, we lift up in prayer his plea for peace:

With malice toward none; with charity for all; with firmness in the right, as You give us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

These and all our prayers we lift up in the name which is above all names. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 11, 1991.

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 PENNSYLVANIA COUNCIL ON AGING

February 11, 1991.

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, Harvey Portner, 7901 Rodgers Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ruth M. Tucker, 2225 Lloyd Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until her successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

February 11, 1991.

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, Michael Mokotoff, Ph.D., Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

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

February 11, 1991.

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, Fitz Eugene Dixon, Jr., P. O. Box 178, 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

February 11, 1991.

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, Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

February 11, 1991.

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, Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

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

February 11, 1991

**HB 25 and 70** — Committee on Judiciary.

**HB 28, 52 and 53** — Committee on Consumer Protection and Professional Licensure.

**HB 57** — Committee on Banking and Insurance.

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

**RESOLUTIONS INTRODUCED AND REFERRED**

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

February 11, 1991

**DIRECTING THE JOINT STATE GOVERNMENT  
COMMISSION TO CONDUCT A STUDY IN  
RELATION TO THE PERSIAN GULF WAR**

Senators BELL, SHUMAKER, PUNT, SCANLON, HOLL, SALVATORE, BELAN, HELFRICK, MUSTO, MADIGAN, ANDREZESKI, SHAFFER, LAVALLE, ROBBINS, O'PAKE, GREENWOOD, LYNCH, PECORA, JONES, RHOADES, STOUT, JUBELIRER, STAPLETON, WENGER, STEWART, LEMMOND, FUMO, FISHER, CORMAN, LOEPER, PETERSON and HOPPER offered the following resolution (**Senate Resolution No. 18**), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, February 11, 1991.

**A RESOLUTION**

Directing the Joint State Government Commission to conduct a study in relation to the Persian Gulf War.

WHEREAS, The war in the Persian Gulf area has involved sending our finest young men and women thousands of miles away from our shorelines to insure that the mandates of the United Nations are successfully accomplished; and

WHEREAS, Many Pennsylvanians are included in the armed forces in the Persian Gulf serving in the best tradition of our concept of citizen-soldier. Some have already made the supreme sacrifice, including several Pennsylvanians; and

WHEREAS, The Commonwealth of Pennsylvania has compensated the veterans of World War I, World War II, the Korean Conflict and the Vietnam War. It is only proper that Pennsylvanians who are serving and will continue to serve in the Persian Gulf War be compensated in a similar manner by the Commonwealth; therefore be it

RESOLVED, That the Senate direct the Joint State Government Commission to conduct a study to do the following:

(1) Determine the number of Pennsylvanians who are serving in the Persian Gulf.

(2) Determine the amount of money which will be needed to compensate Pennsylvania veterans for service in the Persian Gulf.

(3) Determine the exact dates of service in the Persian Gulf which will qualify a veteran for compensation.

(4) Examine existing laws of the Commonwealth relating to veterans and recommend any changes necessary to compensate Pennsylvania veterans of the Persian Gulf War; and be it further

RESOLVED, That the Joint State Government Commission make a report of its findings and recommendations as soon as possible.

**MEMORIALIZING THE CONGRESS OF  
THE UNITED STATES TO CONTINUE  
SUPPORT AND FUNDING FOR THE  
DELAWARE ESTUARY PROGRAM**

Senators FUMO, MUSTO, BRIGHTBILL and TILGHMAN offered the following resolution (**Senate Resolution No. 19**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 11, 1991.

**A RESOLUTION**

Memorializing the Congress of the United States to continue support and funding for the Delaware Estuary Program.

WHEREAS, The National Estuary Program was initiated by the United States Environmental Protection Agency in 1985 and was formalized and expanded as part of the "Water Quality Act of 1987" in efforts to formulate comprehensive plans to restore certain significant estuaries in this country; and

WHEREAS, The Federal legislation specifically identifies the Delaware estuary as one to which priority consideration should be given; and

WHEREAS, The Delaware estuary is a dynamic ecosystem and a resource of great significance to the people of Pennsylvania, New Jersey and Delaware, as well as the nation; and

WHEREAS, The Delaware estuary has suffered abuse over a long period, and its condition is of concern to this Commonwealth; and

WHEREAS, In response to the joint petition of the Governors of Pennsylvania, New Jersey and Delaware, the United States Environmental Protection Agency established the Delaware Estuary Program to carry out the cooperative planning for, and management of, the Delaware estuary; and

WHEREAS, The Commonwealth applauds the attention the estuary has received from the Federal Government and the continuing efforts on behalf of the estuary made by members of the Delaware Estuary Program to identify, preserve and enhance the environmental and economic resources of the estuary and pledges to continue its support of their activities; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the Congress of the United States to continue existing support and funding for the Delaware Estuary Program and for the governmental departments and agencies participating in the program and respectfully request the Congress of the United States to provide additional Federal funding as needed to insure the continued development and implementation of comprehensive management plans for the estuary; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress, the Administrator of the United States Environmental Protection Agency, the Administrators of Regions II and III thereof and to each member of Congress from Pennsylvania.

**URGING THE DEPARTMENT OF  
TRANSPORTATION AND THE PENNSYLVANIA  
TURNPIKE COMMISSION TO CONDUCT A  
STUDY OF UNCONNECTED TURNPIKE  
INTERCHANGES, WITH PARTICULAR CONCERN  
TO THE I-70 INTERSECTION AT BREEZEWOOD,  
PENNSYLVANIA, TO INSURE MAXIMUM  
PUBLIC SAFETY AND CONVENIENCE**

Senators DAWIDA, STOUT, RHOADES and ANDREZESKI offered the following resolution (**Senate Resolution No. 20**), which was read and referred to the Committee on Transportation:

In the Senate, February 11, 1991.

**A RESOLUTION**

Urging the Department of Transportation and the Pennsylvania Turnpike Commission to conduct a study of unconnected turnpike interchanges, with particular concern to the I-70 intersection at Breezewood, Pennsylvania, to insure maximum public safety and convenience.

WHEREAS, There are several Pennsylvania Turnpike interchanges that are not connected with a limited access highway; and  
WHEREAS, These unconnected interchanges pose a serious public safety concern, resulting in numerous accidents; and

WHEREAS, One particularly dangerous interchange is Breezewood near Interstate 70; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Department of Transportation and the Pennsylvania Turnpike Commission to conduct a study of the unconnected turnpike interchanges, with particular concern to the I-70 interchange at Breezewood, and to explore ways to connect all interchanges with limited access highways to insure maximum public safety and convenience.

**REQUESTING THE DEPARTMENT OF HEALTH  
TO ESTABLISH AN OVERSIGHT COMMITTEE  
TO CHECK INTO POTENTIAL ABUSES  
RELATING TO THE USE OF PSYCHOLOGICAL  
BEDS IN HOSPITALS**

Senator DAWIDA offered the following resolution (**Senate Resolution No. 21**), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, February 11, 1991.

**A RESOLUTION**

Requesting the Department of Health to establish an oversight committee to check into potential abuses relating to the use of psychological beds in hospitals.

WHEREAS, People are being inappropriately housed in psychological beds; and

WHEREAS, There are cost problems for the Commonwealth associated with improper use of psychological beds; and

WHEREAS, It is not appropriate for some people to be housed in psychological beds, especially those suffering from senile dementia; therefore be it

RESOLVED, That the Senate of Pennsylvania request the Department of Health to establish an oversight committee to check into potential abuses relating to the use of psychological beds in hospitals; and be it further

RESOLVED, That a copy of this resolution be delivered to the Department of Health.

**URGING THE GOVERNOR TO ESTABLISH AN  
ECONOMIC PARTNERSHIP AND A TRADE  
MISSION WITH POLAND, IN PARTICULAR,  
AND EASTERN EUROPE, IN GENERAL, IN  
LIGHT OF THE CHANGING POLITICAL AND  
ECONOMIC CONDITIONS IN THE SOVIET BLOC**

Senator DAWIDA offered the following resolution (**Senate Resolution No. 22**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 11, 1991.

## A RESOLUTION

Urging the Governor to establish an economic partnership and a trade mission with Poland, in particular, and Eastern Europe, in general, in light of the changing political and economic conditions in the Soviet bloc.

WHEREAS, Changing political and economic conditions in the Soviet bloc of nations provide opportunities which may be mutually beneficial to those nations and this Commonwealth; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Governor to take steps to establish an economic partnership with Poland, in particular, and the other nations of Eastern Europe; and be it further

RESOLVED, That the Senate urge the Governor to establish a trade mission which would develop business ties between Pennsylvania business, civic and political leaders and Poland business, civic and political leaders. The goal thereof shall be to have 50 Pennsylvania companies participating for the purpose of economic development. The Senate further urges that the General Assembly appropriate the one-time sum of \$250,000 for this purpose.

**DIRECTING THE APPOINTMENT OF A SPECIAL COMMISSION TO STUDY THE INDUSTRIAL HAZARDS OF VIDEO DISPLAY TERMINALS**

Senators ANDREZESKI, BORTNER, JONES, MUSTO, REIBMAN and AFFLERBACH offered the following resolution (**Senate Resolution No. 23**), which was read and referred to the Committee on Labor and Industry:

In the Senate, February 11, 1991.

## A RESOLUTION

Directing the appointment of a special commission to study the industrial hazards of video display terminals.

WHEREAS, There has recently been an epidemic of health problems among employees who use video display terminals; and

WHEREAS, Currently, approximately 7 million Americans operate video display terminals and that number is expected to grow to over 40 million by 1991; and

WHEREAS, There appears to be a need for minimum occupational health and safety standards for the operation of video display terminals at places of employment to protect operators against radiation, air containing hazardous chemical exposures, eyestrain, body pains, boredom, lethargy and other associated ill effects; therefore be it

RESOLVED, That the President pro tempore of the Senate and the Governor appoint a special commission of ten persons to make a thorough and complete investigation of the industrial hazards of video display terminals and how best to protect against those hazards. Five of the persons shall be appointed by the President pro tempore and shall include three members from the majority party, one of whom shall be the chairman of the Labor and Industry Committee, and two members from the minority party, one of whom shall be the minority chairman of the Labor and Industry Committee. Five of the persons shall be appointed by the Governor and shall include one member from each of the following organizations: the AFL-CIO, the AFSCME, the Pennsylvania Optometric Association, the Pennsylvania Medical Society and the Pennsylvania Chamber of Commerce; and be it further

RESOLVED, That the commission may hold hearings, take testimony and make its investigations at such places as it deems necessary within this Commonwealth; and be it further

RESOLVED, That the commission make a report of its findings and recommendations to the Senate not later than December 31, 1991; and be it further

RESOLVED, That a copy of this resolution be transmitted to Governor Robert P. Casey.

**MEMORIALIZING CONGRESS TO REJECT ANY PROPOSAL TO ESTABLISH A NATIONAL LOTTERY**

Senators ANDREZESKI, BORTNER, JONES, STEWART, MUSTO, REIBMAN, LAVALLE, BELAN, AFFLERBACH and LYNCH offered the following resolution (**Senate Resolution No. 24**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 11, 1991.

## A RESOLUTION

Memorializing Congress to reject any proposal to establish a national lottery.

WHEREAS, There are currently 22 states which have established lottery programs to augment state government funds for a variety of worthwhile programs; and

WHEREAS, The Pennsylvania Lottery is the nation's leading lottery in terms of ticket sales and cumulative profits over the past three years; and

WHEREAS, The Pennsylvania Lottery was established to benefit senior citizens living in this Commonwealth by providing funds for the operation of the Department of Aging, the Property Tax and Rent Rebate Program, the Pharmaceutical Assistance Contract for the Elderly (PACE) Program, the Shared Ride and Free Mass Transit Programs, County Aging Programs, the Older Persons Income Needs (OPIN) Program and reimbursements for nursing homes and medical assistance; and

WHEREAS, Various proposals on the Federal level to institute a national lottery would have an extremely adverse effect on the success and profitability of the Pennsylvania Lottery; and

WHEREAS, The establishment of a national lottery would impact on the State's ability to fund existing senior citizen programs at their current levels; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to reject any proposal for the establishment of a national lottery, which would compete with and be counterproductive to the continued operation of existing state lotteries, including the Pennsylvania Lottery; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

**AMENDING THE RULES OF THE SENATE RELATING TO TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS**

Senators ANDREZESKI, BORTNER, JONES, STEWART, BELAN, AFFLERBACH and O'PAKE offered the following resolution (**Senate Resolution No. 25**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 11, 1991.

## A RESOLUTION

Amending the Rules of the Senate relating to television and radio coverage of Senate proceedings.

WHEREAS, The Senate of Pennsylvania finds and declares that the success of democratic government rests upon an informed electorate; and

WHEREAS, A majority of the citizens of this Commonwealth depend on broadcast media as a major source of information; and

WHEREAS, The television and radio broadcasting of the proceedings of the Senate will give the citizens of this Commonwealth maximum direct public access to such proceedings and thereby assist them in achieving a better understanding of the public issues and of the practices and procedures of the Senate as a representative and legislative body; and

WHEREAS, It is the purpose of this resolution to provide a means, in conformity with acceptable standards of dignity, propriety and decorum, by which the proceedings of the Senate may be covered by television and radio broadcasts; and

WHEREAS, These broadcasts will be made for the information, education and enlightenment of the general public on the basis of providing accurate and impartial news coverage concerning the operations, practices and procedures of the Senate as a representative and legislative body; and

WHEREAS, These broadcasts will provide for the development of a perspective of understanding by the general public concerning the role and function of the Senate under the Constitution of Pennsylvania; and

WHEREAS, It is the intent of this resolution that the general conduct of the proceedings covered and personal behavior of the members of the Senate and of the television and radio personnel involved shall be in strict conformity with and in observance of acceptable standards of dignity, propriety, courtesy and decorum that is traditionally associated with and observed by the Senate; and

WHEREAS, The television and radio broadcasting of the sessions of the Senate shall in no way distort the objects and purposes of the proceedings or activities of the members of the Senate involved in said proceedings, or in connection with the general work of the Senate; and

WHEREAS, Television and radio coverage of the proceedings of the Senate shall in no way cast discredit or dishonor on the members of the Senate, or bring the Senate or any members thereof into disrepute; and

WHEREAS, The television and radio coverage of the Senate is a privilege granted by the Senate and shall be permitted and conducted only in strict conformity with the purposes, provisions and requirements of this resolution; therefore be it

RESOLVED, That the Rules of the Senate be amended by adding a rule to read:

**RULE XL**  
**TELEVISION AND RADIO**  
**COVERAGE OF SESSIONS**  
**OF THE SENATE**

**Coverage in General**

1. Television and radio coverage of the proceedings in the Chamber of the Senate of Pennsylvania shall be authorized on a continuing basis, from gavel to gavel, except for caucuses and off-the-floor committee meetings.

Televised gavel-to-gavel coverage shall commence with a test period to last at least six months dating from the adoption of this rule. During this test period, no television or radio broadcast signal will be sent outside the capitol building for public or private use.

**Type of Coverage**

2. Coverage shall provide a complete, unedited record of what is said on the floor of the Senate and is intended to be an informative documentary, and not a staged performance, and is to be free from editorial analysis.

Only the presiding officer and the persons actually speaking shall be covered by the cameras during the proceedings and debate. Cameras shall not pan the entire Senate Chamber.

During roll call votes, and other votes, the cameras will be focused on the presiding officer and the appropriate clerks.

During recesses of the Senate, cameras shall be turned off.

The name of the Senator who is speaking shall be superimposed on the bottom of the screen.

Still photographs of the proceedings are prohibited.

The Committee on Rules may decide other minor issues which may develop.

**Administration and Procurement**

3. A lighting and camera consultant shall be hired by the Chief Clerk of the Senate to assist in the implementation of broadcast equipment.

The Office of the Chief Clerk shall be responsible for the installation of equipment and for the operation of the television broadcast, including the hiring of the necessary technical personnel.

All equipment shall be owned and operated by the Senate so that the Senate can more effectively supervise the broadcasts and prevent disruption of the normal proceedings.

**Access**

4. The continuous broadcast of the Senate shall be provided free of charge to any licensed radio or television station; the Rules Committee may, however, authorize other entities, such as government agencies and universities, to receive broadcasts.

**Further Provisions**

5. The State Museum and Archives shall store the historical copies which may be reviewed free of charge at the Museum. Copies may be made for the cost of the copy.

No coverage shall be used or made available for use as partisan political campaign material to promote or oppose the candidacy of any person for elective office, whether in paid political broadcasts or otherwise; and use of the coverage so provided shall be subject to all State and Federal laws relating to elections and campaign practices.

No part of such coverage or any recording thereof shall be used in any commercial advertisement.

Any live coverage shall be without and presented without any commercial sponsorship, except when it is part of a bona fide news program or public affairs documentary.

Nothing in any contract entered into by the Office of the Chief Clerk regarding installations of equipment shall permit any control over microphones in the Senate Chamber to be exercised by anyone but the appropriate Senate officers and employees.

Any television or radio network or station may or may not, at its discretion, broadcast any or all such coverage, either live or through the use of edited portions, in news broadcasts and other appropriate programs.

Offices of Senators and their staff are to be furnished with monitors to view the live proceedings.

**Funding**

6. This program shall be funded through the normal appropriation procedures.

**DIRECTING THE BANKING AND INSURANCE**  
**COMMITTEE TO INVESTIGATE PENNSYLVANIA**  
**BLUE CROSS-BLUE SHIELD**

Senator GREENLEAF offered the following resolution (Senate Resolution No. 26), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 11, 1991.

**A RESOLUTION**

Directing the Banking and Insurance Committee to investigate Pennsylvania Blue Cross-Blue Shield.

RESOLVED, That the Senate direct the Banking and Insurance Committee to conduct an investigation of the operations, procedures and spending practices of Pennsylvania Blue Cross-Blue Shield.

### APPOINTMENT BY MAJORITY LEADER

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Senator James C. Greenwood as a member of the Governor's Commission for Children and Families.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator H. Craig Lewis as a member of the Task Force on Economic Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Michael M. Dawida as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Anthony B. Andrezeski as a member of the Committee on Health and Social Services of the Eastern Regional Conference of the Council of State Governments.

Senator Vincent J. Fumo as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Raphael J. Musto as a member of the Committee on Environment of the Eastern Regional Conference of the Council of State Governments and the Committee on Energy and Public Utilities of the Eastern Regional Conference of the Council of State Governments.

### REPORTS FROM COMMITTEE

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bills:

#### SB 28 (Pr. No. 28)

An Act imposing duties on kennels and pet shops licensed by the Pennsylvania Department of Agriculture or the United States Department of Agriculture; providing for misrepresentation of pedigree and health of dogs bred for sale; providing for enforcement by the Attorney General; and imposing penalties.

#### SB 166 (Pr. No. 175)

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," authorizing direct commercial sales of agricultural commodities.

### BILLS IN PLACE

Senator SCHWARTZ presented to the Chair several bills.  
Senator LOEPER presented to the Chair several bills.

### LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request legislative leave for Senator Jones and a temporary Capitol leave for Senator Lincoln.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Armstrong. Senator Mellow asks legislative leave for Senator Jones and temporary Capitol leave for Senator Lincoln. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

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

Senator MELLOW asked and obtained leaves of absence for Senator LYNCH and Senator WILLIAMS, for today's Session, for personal reasons.

### CALENDAR

#### SENATE RESOLUTION NO. 15, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order from page 1 of the Calendar, as a Special Order of Business, **Senate Resolution No. 15**, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 15, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 15.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—47

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

#### NAYS—0

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

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR VINCENT J. FUMO PRESENTED TO SENATE

Senator FUMO. Mr. President, I am very proud today to introduce my daughter Allison who has come with us today. For all the old men in here, this is my daughter, not my granddaughter, and I am quite pleased to have her with us. I urge all my colleagues who are around my age not to worry about it if you have another child, that you will be 67 when she graduates from high school, but she has been a joy to my life and my wife's life, and I would like to introduce her now as well as my wife and her nanny, Barbara, and ask the Senate to give them its warm welcome.

The PRESIDENT. Would the Senate please join me in welcoming young Allison and Jane Fumo and the guests of Senator Fumo to the floor of the Senate.

(Applause.)

The PRESIDENT. The Chair cannot help noticing that she must be a Fumo since she is aggressively reaching for the microphone.

Senator SALVATORE. I wanted to say that Senator Fumo should not attribute that baby to himself, but to Jane and how beautiful Jane is. That is why they have a beautiful baby, because if it were not for Jane, there would not be a beautiful baby.

The PRESIDENT. The Chair thanks the gentleman for that necessary correction.

#### GUESTS OF SENATOR F. JOSEPH LOEPER AND SENATOR RICHARD A. TILGHMAN PRESENTED TO SENATE

Senator LOEPER. Mr. President, while we are under the order of business of introductions, I am also very fortunate to have two special friends who are Delaware Countians here visiting the Capitol today. One is our Superior Court Judge, the Honorable Stephen J. McEwen, and also a constituent of Senator Tilghman from Havertown, Mr. Tom McCue. I was wondering if the Senate would extend its warm welcome to those two gentlemen.

The PRESIDENT. Would the guests please rise so we can welcome you to the Senate.

(Applause.)

### SPECIAL ORDER OF BUSINESS

#### CEREMONY IN COMMEMORATION OF ABRAHAM LINCOLN

Senator HART. Mr. President, the tradition of the Lincoln Day Address goes back a long way, not just here in the Senate of Pennsylvania, but throughout the nation as Republicans harken back to the roots of our party and our philosophy and all Americans honor the memory of one of our greatest leaders and pause to recall his ideals. The audience today is a bipartisan one, and I would be remiss to ignore the fact that

our friends on the other side of the aisle have a similar and equally important tradition in honoring the memories of Thomas Jefferson and Andrew Jackson. In fact, Lincoln himself partook of that tradition. Lincoln, Jefferson and Jackson—men from widely diverse backgrounds who led this nation at uniquely challenging periods of our history, yet, all three represent the best of what we are as people and what we are challenged to be in government. Each of these men put their faith in the basic common sense and wisdom of individual citizens, the men and women who form the backbone of our nation—our constituents. And they believed in the great things that individuals can do if they are given the right tools. From this belief in the people sprang a commitment to support, protect and expand the freedoms and the opportunities available to all the people of this nation.

As Lincoln once said, "Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit, and you have planted the seeds of despotism at your own door." What sets Lincoln apart in the American mind was not only his deep belief in the dignity of every person, but his commitment to turn those beliefs into action. With a bold stroke of his pen, Abraham Lincoln offered a share of the American dream to men and women who had spent their lives in chains under the tyranny of slavery. Lincoln chose to end this abominable institution because he believed that the primary aim of government was to uplift citizens, to help them improve their lot in life, not to force them to live their lives as another man's property. After all, Lincoln was a living embodiment of the American dream, rising from humble beginnings, teaching himself to read, learning the law, seeking and losing election to public office and enduring merciless public criticism to become one of the greatest leaders this nation has ever seen. Just as he believed that he could rise from poverty, so he believed that government should work to help others find the path to prosperity and opportunity. He said, "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all or cannot do so well for themselves." The aim of government, as he said, is the elevation of mankind. But while this aim is a simple one, helping people to live their lives in an increasing degree of comfort, achieving that is difficult, and as history has proven, it is quite elusive. When you examine the course of so many debates, not only here in this Senate but across the history of our nation, so much centers on the best way to offer a helping hand to the poor, the young, the elderly and the ill.

As we look across this Commonwealth today on the 182nd anniversary of the birth of Abraham Lincoln, we see so much of his work and philosophy remains unfulfilled and economic chains remain on far too many citizens—black and white, urban and rural. They are all around us, if we would just look: the fatherless family in public housing projects; the children who need an extra push to get a start in life; the former steelworker who is still searching for a steady job that will keep his family afloat; and the elderly who worry about how



they will gather the funds to pay their next property tax bill, let alone to pay for their next major operation.

If we believe that this government is "one of the people, by the people and for the people," then we must search for the most straight and sure path that will lead all the people of Pennsylvania toward the American dream. While these times are surely far different from the Pennsylvania of the 1860s, the path of freedom and opportunity is hardly different. To walk that path, men and women must have the means to control their own economic destiny. This is not a new idea. During Lincoln's administration, in order to put enterprising Americans on the road to prosperity, homesteaders were granted 162 acres of land, allowing them to set out in life with a real stake in the nation they were to settle in. This landmark policy authored by a Pennsylvania Congressman, who, by the way, was the first Republican Speaker in the U.S. House, tapped into the powerful ideals of the Free Soil movement. Simply put, it empowered Americans to better their lot while building and developing the vast American West. Homesteading worked because the land belonged to the people, and it was their own hard work that made a difference between success and failure. Frankly, for them it meant the difference between eating and starving. The formulas of yesterday are not obsolete today merely because the times have changed. When we talk about housing in the 1990s, there is no question that the temptation is for us to simply build more public housing projects where families can rent a limited number of small units at a rock-bottom price. But what investment does a family have in that building and what kinds of roots can they put down in a complex that is so large that it needs its own zip code? Without a stake in their own homes, residents have less incentive to halt the rising decay and violent crime that have become synonymous with large housing projects. We must do all we can to encourage the transformation from tenant to owner or from unemployed worker to entrepreneur, to give people a chance at owning a small slice of the American dream instead of being chained to a future that grows darker day after day. But it is not only through home ownership that we can put the citizens of Pennsylvania back into the economic driver's seat.

Whole communities in this state are still reeling from a loss of manufacturing jobs. In my area the product was steel; in the northeast, textiles; in other areas the product was glass. Yet these communities, once vibrant, must not be written off. There is too much physical capital there and, more importantly, there is too much human capital there. So we must redouble our efforts to create economic opportunity, not through government fiat but through the free market and entrepreneurial spirit that built this nation.

And that's not all we can do. Whether we talk about expanding opportunities in education or improving health care in other areas, the bottom line is that we must create incentives and flexibility, not rigid mandates. The time has come for us to return to the philosophy of Abraham Lincoln, a philosophy that says that individuals are the world's foremost experts on the proper course of their own lives, a philos-

ophy that we in government must respect. It reminds me of an old saying, "Don't give a man a fish, but teach him how to fish." We must, as Lincoln said, listen to the "better angels of our nature" and help the citizens of this nation end their dependency on government, not by cutting them off, casting them away or ignoring their plight, but by offering them a path towards progress and prosperity and by giving them power over their own future. It won't be easy, yet we cannot be deterred from proposing bold solutions simply because those ideas may draw fire or be set upon by naysayers. As Lincoln said, "Let us to the end dare to do our duty." We can take inspiration from the leadership of Abraham Lincoln, who was able to move this nation forward at a time of great national crisis. Even as he managed one of the most devastating and divisive conflicts this nation has ever seen, he still believed in meeting all of the challenges before him.

Today, as brave American men and women are on the front lines in defense of freedom, we know that our task in government is to meet all the challenges that lie before this state and nation, and when our troops return home, as we hope and pray they will very soon, we want them to return to a land that has continued to grow and create new opportunities for its people. I really believe that we in the Senate of Pennsylvania can be the agents of a new Emancipation Proclamation for the people of Pennsylvania, young and old, rural and urban, black and white. We can meet the challenges not only of today, but of a new century that offers opportunities to those who, like Abraham Lincoln, are bold enough to seize them.

(Applause.)

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Ironically, Senator Lincoln has just arrived and his temporary Capitol leave will be cancelled.

Senator LINCOLN. Mr. President, for years I have been in the General Assembly and listened to the Republican Party one time a year take credit for Abraham Lincoln, and particularly during the '80s through campaigns for President. Reagan got elected by quoting Truman, by quoting Roosevelt, by taking credit for half of the things the Democrat Party did in this century. Bush has done basically the same thing, and thank God that Abraham Lincoln was born like the rest of us or the Republican Party probably would never even acknowledge he was around. The civil rights records of the Republican Party during the 1980s and through the Bush Administration have been atrocious. If Abraham Lincoln were alive today, I can assure you he would really, really love the speech that was very well given by the Senator from Allegheny County. But I think he also would shudder at the record of the Republican Party on what we have seen in the last ten years on the attack on civil rights that was so hard fought for through the 1950s and 1960s. I personally am offended because at some point in time my family probably had some relationship to Abraham Lincoln.



## POINT OF ORDER

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

Senator LINCOLN. Mr. President, I resent the interruption. I never interrupted the gentle lady from Allegheny, Senator Hart, one time, and I disagreed with everything she was saying.

The PRESIDENT. If the gentleman would yield for just a minute, let us find out why Senator Brightbill rises. For what purpose does the gentleman rise?

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

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state his point.

Senator BRIGHTBILL. The speech that was given is a traditional ceremonial speech of the Senate, and I would suggest that the gentleman's comments ought to be made during Petitions and Remonstrances.

Senator LINCOLN. Mr. President, I think that is when the speech should have been given.

The PRESIDENT. The Chair would advise the gentleman from Fayette that, indeed, the tradition that has been established is to allow this Lincoln Day Address to occur as a special order of business in the middle of the agenda, and the gentleman is further correct that the Chair really should have sought unanimous consent for Senator Lincoln's rebuttal-type remarks at this time.

Senator LINCOLN. Mr. President, I have no problem with that, and I think if Senator Brightbill would have objected immediately to this, I would have said that. But I think once the truth started to come out and the salt was rubbed in the wounds a little bit is when the objection came out.

The PRESIDENT. If the gentlemen would all yield, let me attempt to clear this up. At the moment, the gentleman's remarks are out of order inasmuch as we are on the order of business of consideration of today's Calendar.

Senator LINCOLN. Mr. President, I would object to that ruling on the basis that the objection was not timely made by the Republican Senator from Lebanon County.

The PRESIDENT. The Chair thanks the gentleman for that, but the fact remains that if there is an objection at all, the gentleman is denied unanimous consent to proceed at this time. His remarks are perfectly acceptable under Petitions and Remonstrances and I would suggest that that would be the proper forum.

Senator LINCOLN. Mr. President, I am not aware of any motion or any question being raised or any consent being asked for before Senator Hart spoke, and I do not remember, and if you check the record, I do not believe that she had unanimous consent to make her remarks.

## 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, is the gentleman appealing the ruling of the Chair?

Senator LINCOLN. Mr. President, I am not. I think I have made my point.

Senator MELLOW. Mr. President, prior to the next order of business, I would like the record to show that a number of years ago Senator Tom Lamb, who was at that time the Democrat Majority Leader, admonished Senator Hager, who was a newly elected Republican Senator, for his very partisan remarks with regard to the same topic that the gentleman from Fayette, Senator Lincoln, was rebutting, and I believe there was precedent for the rebuttal to have taken place, if you would have the Secretary of the Senate research the legislative history.

The PRESIDENT. The Chair agrees that there, perhaps, has been precedent. The Chair would simply point out that the speeches occur by unanimous consent and there has been a unanimous consent objection issued here, and we will continue with the Calendar at this time.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1 (Pr. No. 166)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. Mr. President and Members of the Senate, surely this is a day long awaited by many who were concerned and care about the state's judicial system. It is sometimes difficult to appreciate that a good government constitutional amendment has such a long road to passage. I think it is regrettable that it took a series of events somewhat negative in nature to make judicial reform a popular proposition. Nonetheless, our approval this Session, following last Session's action, is a substantial victory for the public interest. This package revamped judicial discipline with more open proceedings, clear-cut judicial ethics requirements and greater financial accountability for the Judicial Branch and is worthy of legislative approval and voter approval of inclusion in our State Constitution.

The Senate has contributed a great deal to this process, Mr. President, repeatedly passing bills Session after Session. Stalwart advocates of judicial reform are former Members such as Senator Dick Snyder and Senator Jack Stauffer and my colleague, the Chairman of the Committee on Judiciary, Senator Stewart Greenleaf, and others, who have played leadership roles, and longtime backers in the House of Representatives

led by the Majority Leader, H. William DeWeese, joined with new champions to give the needed push for passage in that chamber.

Mr. President, I think it is very important that we acknowledge the Members of the Committee on Judiciary who commendably and forthrightly have embraced this cause, as well as the public interest groups, the editorial writers and the concerned citizens who helped keep the issue alive. I would like to point out, Mr. President, that we have an outstanding judiciary in this state, both at the county level and at the appellate level, and I believe those members are enhanced by this legislation. Obviously, there are exceptions and the public needs to understand those exceptions, that they be done in the sunshine. I believe, frankly, today we are represented here by one of the most outstanding members of the appellate judiciary in Judge McEwen, and it is an honor for me to talk about this issue with a distinguished member of the Appellate Court in attendance.

It is also good that the move toward reform was not detoured by the late breaking controversy over county court funding. This proposed amendment is neither the cause of the problem nor the solution to that issue. That the General Assembly must act on judicial funding is a matter of history merely reaffirmed by this amendment. Today, finally, is a beginning. It is the start of our appeal to the people of Pennsylvania, Mr. President, to overwhelmingly support this proposition on May 21st, an appeal that should be and I am sure will be broad based and bipartisan. Judicial reform is not the end of our quest to give our citizens a quality judicial system that they trust and respect, but it is a notable milestone, a necessary foundation for public confidence and a proud moment for every Member of this Senate who has supported that over so many years.

#### RECONSIDERATION OF HB 1

Senator FUMO. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A0124:

Amend Sec. 1 (Sec. 22), page 13, line 30; page 14, lines 1 through 4, by striking out "No" in line 30, page 13, and all of lines 1 through 4, page 14

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, this amendment would delete from the bill language which appears at the bottom of page 13 and the top of page 14, the clear intent of which is to prohibit the Supreme Court from being allowed to mandate missed monies. Mr. President, we already have an opinion of the Pennsylvania Supreme Court ordering us to fund county court costs. The Supreme Court has not enforced that order because we in the General Assembly, through informal chan-

nels, have advised them that we are studying the situation and attempting to define what is meant by court costs at the county level. When we first began to look into this, we found out that for the 67 counties of Pennsylvania, each one does it differently, each court charges different things. For example, the sheriff in some places charges the court costs to the probation department and others, and there are 67 different varieties out there of what county court costs are. Pursuant to our attempt to try to unify the accounting system so we could comply with the court order, this General Assembly published in the Pennsylvania Bulletin, I believe a year or two ago, a request for proposals and did, in fact, receive a number of proposals from major accounting firms throughout the Commonwealth to come in and study the court systems so they could come back and advise us so that we could adequately determine what would be county court costs on a uniform basis.

Mr. President, we started to do that. The leadership of the four caucuses met and discussed it. We drafted the RFP. We even received the RFPs and then the whole thing kind of died. Mr. President, I think it is our obligation to comply with that order because our counties throughout this Commonwealth are suffering severe financial hardship in funding a state unified judicial court system, and we have not given them adequate aid to do that. In Philadelphia alone, the county court costs of our city are over \$100 million a year and growing. It is only this year, through the efforts of Justice Papadakos and Justice Cappy, that the Supreme Court is trying to help us in Philadelphia to curb some of these costs. Quite frankly, Mr. President, if you read the media accounts of this effort, political forces have attempted to block them at each and every turn of the road. Those political forces include those who want to keep the outrageous political patronage in the Philadelphia Court System alive. Mr. President, I do not think it is wise for us to order—by constitutional amendment or otherwise—and restrict the Supreme Court from mandating missing money. It is a basic, fundamental constitutional principle that was embodied in our United States Constitution, and I do not know why we in Pennsylvania want to break from that precedent.

Mr. President, if this bill goes forth as written, it would clearly prohibit the Supreme Court from ordering us at the state level to fund those county court costs, and that would inure to the detriment of all counties in Pennsylvania, every single one of them. We have an obligation to fund this system. We should meet it. I know for a fact that politically we will never meet it unless we are ordered to do so by a nonpolitical Supreme Court which has done so. It is unfair for us to take advantage of their understanding of our problems by now attempting to sandbag them and attempt to pass a constitutional amendment such as this, Mr. President. Therefore, I ask for an affirmative vote on the amendment so we can rectify this situation for our counties.

Senator LOEPER. Mr. President, I rise to oppose the amendment. As the Members may recall, a few weeks ago we dealt in this Chamber with the issue of Senate Bill No. 1,

which was exactly the same legislation, and the gentleman from Allegheny, Senator Scanlon, at that time offered a somewhat expanded amendment essentially covering the same broad category of material that the gentleman from Philadelphia, Senator Fumo, has offered today. At that time it was indicated there was no direct relationship between the bill and any intent or implication as far as court funding. I think what we saw at that time was that county commissioners had suggested that language contained in the version of either Senate Bill No. 1 or House Bill No. 1 overturns a 1987 Supreme Court decision in the Allegheny County case relating to county court funding. In particular, it seems that concern has focused around the language on page 13 of the bill, lines 26 through 30, which says, "No money shall be paid out of the State Treasury for the operation of the unified judicial system except pursuant to an appropriation approved by the General Assembly and upon warrant issued by the proper officer." It is suggested, Mr. President, that this language was developed by the General Assembly to overturn the Allegheny County court case. This charge, by a history which I am going to try to develop here, simply is without merit and is false. Suggestion has been made that this language was inserted into Senate Bill No. 1 in the House on June 29th in a last minute attempt to overturn the Allegheny County case. This also is false, Mr. President. The Allegheny County case was filed on March 16, 1985, was argued in the Supreme Court on September 18, 1986 and decided by the Supreme Court on December 7, 1987. Reargument was denied on January 19, 1988. Identical language to the language that is incorporated in Senate Bill No. 1 was included in Senate judicial reform proposals as far back as 1983. Senate Bill No. 792 was introduced on June 1, 1983 in response to considerable controversy about the operation of the Appellate Courts. The original bill was introduced by Senator Stauffer and was joined by Senator Snyder, Senator Shumaker, Senator Stapleton, Senator Howard, Senator Bell, Senator Moore, Senator Corman, Senator Pecora, Senator Wilt and Senator Brightbill, and an even more comprehensive judicial reform bill, Senate Bill No. 1100, was introduced on October 21, 1983 by Senator Jubelirer, Senator Stauffer, Senator Fisher, Senator Moore, Senator Tilghman, Senator Howard, Senator Shumaker and Senator Helfrick. It included the identical language and was approved by the Senate on June 19, 1984 by unanimous vote. Subsequent to that date, Mr. President, another judicial reform proposal was approved by the Senate on June 29, 1984, which once again included the same provision. The legislation was approved twice by the Senate in the 1985-86 Session and once again in the 1987-88 Session and again in the 1989-90 Session, and the development of this language clearly preceded the Allegheny County court case. The particular language that parallels language is found in Article III, Section 24 of the Constitution, which provides that "No money shall be paid out of the treasury, except on appropriations made by law and on warrant issued by the proper officers...." This language has been viewed as governing access to the Treasury and is generally prohibiting disbursements from the Treasury except pursuant

to legislatively approved appropriations. There was a concern that the court might sometimes simply issue orders for payments from the Treasury without regard to the Commonwealth budgeting process and the General Assembly's control over the public purse. While there have been no court orders which have directed such payment by the Treasury, there was dicta in the court opinions, back through the '70s, that suggested the court might believe it had the authority to order such payments, appropriations and budget limits notwithstanding.

Additionally, the courts have, on a number of occasions, ruled as though Article V, the judiciary article, was self-contained in the provisions of the Constitution not included in or directly referenced in Article V, and were not controlling on the judiciary. As a safeguard to that, to assure the General Assembly's ability to protect the public purse, language was recommended for incorporation in Article V to make that matter absolutely clear. This is in no way, Mr. President, intended to interfere with the Supreme Court's ability to declare a state statute as unconstitutional. Instead, it only assures, Mr. President, that spending will be done with the blessing of the General Assembly. Even though this language has been before the General Assembly ever since 1983 and has been approved by this Senate repeatedly since 1984, the commissioners failed to raise the spectrum of the impact on the Allegheny County case in any serious fashion until June of 1990. Concern apparently emerged after an analyst for the House Appropriations Committee included a line within the House fiscal note on Senate Bill No. 1 that said, "In effect, it repeals the County Court decision." Since that time the matter has been reviewed at senior levels in the House Appropriations Committee and the final note has been revised at the senior levels in the House insofar as that statement was concerned. I think it is very important to note for the record that, in fact, on January 29th of 1991 the chairman of the House Appropriations Committee quoted, unfortunately, that the statement was wrong when it was written, and I believe that it remains wrong in its conclusion. Therefore, the statement was not based on a legal opinion available to the analysts who drew the conclusion at the time. Therefore, Mr. President, it is my view that this amendment is not necessary, and I would ask for a negative vote on the amendment.

Senator BORTNER. Mr. President, I also rise to oppose the amendment and perhaps we have a difference of opinion on what the language of this amendment means. I have talked to a number of lawyers who have researched the issue and I have looked at it myself, and I am satisfied that it is the position of the gentleman from Delaware, Senator Loeper, that is the correct one in terms of what the language of this amendment not only was intending to do but regardless of what it might have been intended to do, what the effect of that language would be. The language we are referring to appears in what would now be Subsection (b) of Section 22, Article V, of the Pennsylvania Constitution. It says that "No moneys shall be paid out of the State Treasury for the operation of the unified judicial system except pursuant to an appropriation

approved by the General Assembly and upon warrant issued by the proper officer." This language does not amend Article V, Section 1, which establishes the unified judiciary system. Rather, the amendment deals with the financial affairs in the budgets of only portions of the unified judicial system: the Supreme Court, the Superior Court, Commonwealth Court, the Court Administrator of Pennsylvania and other statewide court agencies. Again, I would emphasize that this proposed amendment is simply silent with respect to the finances of the remainder of the unified judicial system. I think it is also stretching the language of the amendment to argue that it does, in fact, overrule the County of Allegheny. The proposed amendment does not amend that section which the court hung its hat on in making that decision and does not in any way mention funding of the Courts of Common Pleas which was, in fact, the subject matter of the County of Allegheny. Thus, in order to have that effect on the Supreme Court's decision, as was stated in the County of Allegheny, the proposed amendment would need to be interpreted as overruling that decision by implication. I think in interpreting a provision of the Constitution, that is a step the Appellate Courts would not be inclined to take. While we could disagree, I suppose, or argue more about the language of the amendment, the real problem is that by adopting this language we would be going back to step one. We would not be able to get this constitutional amendment on the May Primary ballot. We would be postponing at least for another Session of this Legislature the time in which we move ahead with what I believe is a very, very important issue, an issue concerning changing the system by which judges are disciplined in this state. For the reasons I have stated, that it does not, in fact, make that change, and secondly, it is the importance of this issue on our judicial system, I would urge my colleagues to oppose the amendment.

Senator SCHWARTZ. Mr. President, just briefly I would like to speak in favor of the amendment. I feel very strongly that we do not in any way want to overrule or voice opinion against the County of Allegheny suit, and I feel strongly that we need to move ahead in some fashion on a unified court system and to address quite directly the funding issue. Certainly the court problems in Philadelphia are not alone. There is a system across the state that needs attention from those of us in the General Assembly, and I would, while being a strong advocate for the judicial reform on the judicial discipline bill and will vote for it, want to certainly set on record my support for the fact that we will and should attend to the issue of funding a unified court system in the state.

Senator LOEPER. Mr. President, I had not intended to further speak on the amendment. However, I think the remarks of the gentle lady from Philadelphia would indicate in her support of this amendment, essentially what we would be doing if this amendment was adopted is killing judicial reform, an eight-year effort for the voters to have an opportunity to vote on in the May Primary ballot. I think we have laid out the history. It has taken eight years to get us to this point where this question could go before the voters. The question

will go before the voters in a two-part question, one dealing with judicial discipline, the other dealing with the funding of the court system, and it would be up to the voters to determine again what the progress of that would be. I think that to amend this today, to put ourselves in a position where eight years of work on judicial reform legislation would not have the opportunity to go to the voters, is certainly a disservice to the public and the people of Pennsylvania.

Senator FUMO. Mr. President, it was not my intention to speak again, but I just want to remind the Majority Leader of a saying from my Irish-English mother, "Haste makes waste." If we look at the way this bill came to us in the middle of the night on the 29th of June in a trade for a vote on the State Song, an amendment was stuck in the House by a Member who was in Russia at the time. You know, Mr. President, we have really run this thing through in a haphazard fashion and I do think in this particular instance haste will make waste, and if we have to delay this process for a little bit longer to get it right, I think that is what we are obligated to do. But the way in which this bill came to us the first time was horrendous and now to see it fast track just because we have to do something because we have been trying for eight years, in my opinion, is absolutely no excuse whatsoever to let this thing happen and hurt the counties of Pennsylvania which are already suffering and having to raise local taxes just to meet their burdens to deliver their regular services, Mr. President.

#### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the question recurring,

Shall the bill pass finally?

Senator FUMO. Mr. President, I rise to oppose this bill and I recognize when we passed a similar piece of legislation a week or so ago the vote was 47-1. I am proud that I was the one. Mr. President, I rise to oppose the bill most importantly because our amendment did not go in, and I think would wreak havoc upon the county courts of Pennsylvania to allow that to happen. Quite frankly, that was my major interest. But having looked at the bill I think there are some other areas which we really should look at. I doubt if we will because there seems to be this stampede to the gate so everyone can wrap themselves in the cloak of reform and halos and everything else that goes with it. I think this bill is obnoxious. It is obnoxious to the Judiciary and I think it is obnoxious to us that we would even consider it.

Mr. President, let me point out just a few examples. On page 3, it states that any member of the commission, after his term is over, may still sit on a case provided that case was started while his commission was still there. We had a situation recently with the current Judicial Board where one member of that board so hated the judge in front of him that he knowingly convened the meeting when he knew that all sides were going to request a delay of that hearing because no one was ready. The day before his term expired, Mr. President, he convened that hearing to allow for a three-month continuance of the case so he could vent out his personal vendetta against that particular judge after his term had expired. We seem to have this great belief that everyone who sits on these commissions is holier than God Almighty and their motives are untainted. That has not been the case. What we have seen already, we should not allow it to continue in law. When a person's term is over, it is over regardless of what shenanigans they attempt to use to stay on the case.

Mr. President, on page 4, it says, "The Governor may remove any member only for cause." What does "cause" mean? Nowhere in here does it say what "cause" means. Mr. President, I have seen vindictive governors who have politically been vindictive and who were deeply upset at some rulings of the court and who might very easily be persuaded to find some "cause" to remove a member who did not agree with the philosophy of that governor. As I read it, the governor can remove any member, even one appointed by the Supreme Court, not just his own. That is a dangerous precedent, Mr. President.

Mr. President, another particular piece of language is very interesting. It appears on page 7 when we talk about the confidentiality of the proceedings. The bill is very clear that when the allegation is first made against the member of the judiciary, that allegation is confidential until and only if there are enough grounds to go further. But the bill says—and I cannot believe that there is this language in a constitutional amendment—or "...in any case in which, independent of any action by the Judicial Conduct Board, the fact that an investigation is in progress becomes public...." Is that not terrific, Mr. President? The person who makes that public in many cases is the unnamed source who most times is on the Judicial Conduct Board who would like to leak it to the press. In that event, Mr. President, we would cover this constitutionally? Constitutionally we admit before we even start the system is flawed. In that instance we say the judge is free to comment or he can ask the board to comment for him. What kind of arrogance and hypocrisy can we be dealing with today when we have now legalized leaks? How many of us would like to stand trial on a complaint from a constituent by a court of legislative conduct appointed by the Governor on which sits more regular citizens than, let us say, two Legislators and three members of the public? Would that not be a lot of fun? We do not do that for ourselves, but we do that for others. Again, Mr. President, any one of those people can sit past his term, provided the hearing has been started.

Also on page 10, we have the fact that there is now a standard of proof that is very weak that requires removing this person from office. It is not beyond a reasonable doubt, it is not preponderance of the evidence, it is "clear and convincing evidence," a new standard to me. Maybe I am not that well versed in some of these standards, but, Mr. President, I think in a case like this it should take a lot more than clear and convincing evidence to remove anyone from his officially elected position. Mr. President, these people are elected by the people.

Lastly, Mr. President, we are so sure that we are going to administer this bill fairly and justly in a reasonable and sophisticated fashion that on page 13 we talk about if a justice of the Supreme Court wants to appeal a hearing here, it will be tried by seven judges picked by lot. Are we not all confident in that procedure? Mr. President, this is a slap in the face to the judiciary and it is a slap in the face of good government. It keeps some editorial writers happy. It does do that because maybe they are upset with some of the opinions of the Supreme Court as well on some libel cases. What we should be striving for in this Commonwealth is a free and independent judiciary. There is a way to remove members of the court by impeachment that we constitutionally have the power to do. That is the way our forefathers felt this should work, and it is a valid way to do it. We always try to emulate the federal system. That is the way they do it in the federal system, but here, no, we do not want to get bogged down in that stuff. We want to have a kangaroo court to remove those judges who we do not really like. Mr. President, I will grant you there always are some rotten apples that spoil the barrel, and I submit to you that those people have been dealt with and they have been dealt with severely, although maybe not as rapidly as some people would like because the court is mindful of the civil rights of those individuals. Maybe we do not like that. Maybe we are rapidly approaching a society where we would like to have dictatorship and empower the dictator to remove people instantaneously, the way they just did in China. In China you cannot hire a lawyer until you get the charges put against you, and then you have three days to go to trial. That is a quick way to do it.

Saddam Hussein, I am sure, does not have many courts that he has to worry about either. If he does not like a judge or a member of the general assembly, he is gone. Granted, it is not done through any legal process, it is just a bullet to the head usually, but it certainly is efficient. Mr. President, democracy is fraught with problems, and by definition it should be. We should not look to streamline this process to the degree that we embarrass ourselves by trying to do this.

Mr. President, I rise and ask for a negative vote on this bill and ask that it be defeated and sent back to wherever it came from. Maybe we can trade it again for another state song at 4:00 o'clock in the morning when we do the budget this year, Mr. President. That is the amount of consideration we have given this bill thus far.

(The following prepared statement was made a part of the record at the request of the gentleman from Lackawanna, Senator MELLOW:)

Mr. President, I rise today to join my colleagues in support of House Bill No. 1.

Our action today means that Pennsylvania's voters, on May 21st of this year, have the unique opportunity of changing our state Constitution to promote a more open, a more just system of justice in Pennsylvania.

That this proposal has garnered broad-based bipartisan support in both Houses of this General Assembly, in two consecutive Sessions of the General Assembly, is indicative of the need for this reform.

And while a key part of this proposal is to change the method by which judges and justices are disciplined, I think, it is most important to point out that this measure promotes a new degree of ethical conduct to help keep our judges and justices—at the outset—from being led astray. In particular, with the approval of Pennsylvania's citizens, this constitutional change will require all justices, judges, justices of the peace and other officers and employees of the courts to adhere to financial disclosure requirements equal to those that apply to all other state and local public officials.

When Pennsylvania's first ethics law was enacted by this General Assembly and went into effect in 1978—some 13 years ago—our courts said it did not apply to them. Well, this constitutional amendment will change that. With approval of the citizens, it will apply to our courts. Just like every other public official in Pennsylvania, our court officials will be required to disclose their finances, avoid conflicts of interest and meet the same ethical standards of official conduct. This proposal says, very simply, that absolutely no one—including members of our judiciary—is above the law. I not only urge an affirmative vote today, but call on Pennsylvania's citizens to approve this constitutional provision when it reaches the ballot box in the form of a referendum this spring.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Shumaker, Senator Pecora and Senator Brightbill.

The PRESIDENT. Senator Fisher asks temporary Capitol leaves for Senator Shumaker, Senator Pecora and Senator Brightbill. The Chair hears no objection. Those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

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—46

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Madigan	Salvatore
Armstrong	Hart	Mellow	Scanlon
Baker	Helfrick	Musto	Schwartz
Belan	Holl	O'Pake	Shaffer
Bell	Hopper	Pecora	Shumaker

Bodack	Jones	Peterson	Stapleton
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Dawida	Lemmond	Reibman	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln		

NAYS—1

Fumo

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

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

**HB 67 (Pr. No. 75)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," reenacting and amending provisions relating to service charges and restricting collection activities.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, prior to taking the roll on House Bill No. 67, I would just like the Members to realize that this is the bill we have talked about for many years dealing with installment sales. If we pass House Bill No. 67, we will maintain the monthly rate of installment sales at 1.5 percent per month or 18 percent annually. If House Bill No. 67 is not dealt with, it will drop to 1.25 percent per month or 15 percent annually. It is something that a number of the Members were so very much interested in, and I just wanted to bring to their attention that House Bill No. 67 is that particular proposal.

Senator ANDREZESKI. Mr. President, we are here today to argue the politics of the rich and poor and, unfortunately, once again it is a familiar story. We have the rich getting richer and the poor getting poorer. Today we are asked to protect an interest rate level that is currently at 18 percent. We are asked to protect those institutions that charge 18 percent as their installment interest rate. This is not the first time we have done this since 1982, and it probably will not be the last time that we will do this. Today before we vote I hope we please consider the enormity of what our vote will do. If we vote in favor of House Bill No. 67, we will allow banks and credit institutions to charge consumers double the prime rate of interest until June of 1994. Mr. President, the prime rate today is 9 percent. When we first voted to allow banks, department stores and other retailers to exceed the 15 percent maximum allowable interest rate which we held by law up until 1982, when we first allowed the rate to rise the prime rate was 16.5 percent. Who could not make an argument that these poor banks and retailers were losing money on money they borrowed? Stop and consider that for a moment. We passed legislation to lift the 15 percent cap when the prime rate was 16.5 percent. Then three years later when the prime rate



dropped to 10.5 percent, we extended the 18 percent cap again, just as we are prepared to do again today.

Then you can say, well, why? One of the answers that comes back is, well, we will hurt the little guy if we allow the interest rate to drop to 15 percent. A lot of retailers would have to lay off people in their credit departments. Banks might lose business because they might have to sell their credit card business, and so we have the poor banks and the poor retailers being hurt.

Today we have the same line of reasoning and the same type of argument that we have heard before. Most recently we have heard the argument applied to the minimum wage in Pennsylvania and on the national level, we argued a minimum wage bill. We were told, do not raise the minimum wage, it will hurt the little guy because he will lose his job. You really will not be helping someone because raising the minimum wage will eliminate jobs and could cost them their minimum wage jobs. So goes the logic, Mr. President. We are hurting people by helping them. We are hurting people by putting more money in their pockets, and we are hurting them by lowering the interest rate on their credit card purchases. We are hurting them because it will cost jobs here in Pennsylvania, and we are hurting them by trying to help them, by trying to allow them to keep a little bit more, just a little bit more of their hard earned money. If you say something long enough, it becomes believable, and if you make the same statements long enough, they sort of sink in. Sooner or later, Mr. President, some people are going to think that is true. I personally do not think it is true, not when the prime rate is 9 percent and not when the prime rate was 10.5 percent. If this bill would allow a ceiling of 15 percent instead of 18 percent, it is reported that we would free up \$125 million in consumer spending here in Pennsylvania. That is \$125 million that I guarantee you would not go into CDs. It would not go into Savings Bonds. It would go directly back into our economy. Unfortunately, we live on a credit card economy. Poor people spend 100, 105 and 110 percent of their income. What we would be able to do is provide an economic shot in the arm. We would be able to provide those people whom we represent a little bit more money so they could go out and buy things they need. We are living in a recessionary time. People talk about the downturn of the economy. What better time to free up \$125 million in consumer spending. Would that not help the retailers? Would that not help the banks in having more money back in on credit? I think so, Mr. President.

I would also ask my colleagues to please consider all of the people whom we represent, not perhaps those who just organize the best. It is my own personal opinion that if the poor were as good at organizing as the rich that half of us would not be here in this Chamber today, and this would simply be a perfunctory bill that brought the interest rate down to 15 percent and everyone would agree with it. I would like to thank you for the time to present this, Mr. President, and I hope that at some point, perhaps not now, but in the future, they will be able to say to everyone we represent that we are lowering the interest rates, that we are going along with a

trend that we should have been going along with for a number of years.

Senator FISHER. Mr. President, I stand here not only as the Senator from the 37th District, but also as a Pennsylvania consumer. I, too, pay those credit card bills as does everyone else probably in this Chamber and across the Commonwealth. Certainly I would like to think that maybe something we could do here would keep the rates down to the point where maybe my rate might be a little lower than what it normally is. But when we look at what we are voting on here today, we look at the setting of an interest rate ceiling. I do not think we can be totally blind to what is going on around us. When I say around us, I mean not only what is going on here in Pennsylvania, but also what is going on around us in other states, particularly those states immediately adjacent to Pennsylvania. We cannot look at ourselves as an island unto ourselves, but we have to look at what our neighbors are doing. The State of Delaware to our immediate east is a state that, quite frankly, has been the most aggressive state in this nation in trying to attract incorporations and trying to attract new jobs, and it has worked. Today I have in my possession a brochure which was recently published by the State of Delaware which is entitled "Incorporating in Delaware Where American Business Incorporates." We know that you can incorporate there no matter whether you are their neighbor or whether you are all the way across the country. The one thing that has happened in Delaware and one thing they point out in their brochure, one example, is their Financial Center Development Act which was passed in 1981. One of the things it does is removes all usury ceilings from anyone who is subject to those laws within the Commonwealth. What they point out in this brochure is that that act has been directly responsible for 35 out-of-state financial institutions, including eight of the top ten U.S. banks, opening offices in Delaware and leading to the direct creation of 11,000 new jobs in that state.

I recognize that some of our leading banks have also gone over there, but yet there are some other banks and there are other credit card businesses that have remained in this state and have continued to keep those jobs here in Pennsylvania. I know of one bank in western Pennsylvania which has remained a Pennsylvania chartered bank and continues to offer credit below the interest rate ceiling which is allowed today. But they too support the enactment of this legislation. I think really what we are doing with this legislation is sending the signal to the entire business community that: one, Pennsylvania wants them to continue to locate here; two, we want companies to consider coming back to Pennsylvania as their site of incorporation; and three, we are not setting the interest rate for all the consumers of Pennsylvania, we are setting a ceiling. I think it is through competition, through the banks and through the other financial service companies, that if they stay here and continue to offer that difference in interest payments, we are going to see their actual rate come down somewhat below the ceiling. I think it is a responsible piece of legislation. It is one that can continue to help us stay competitive, and it is one that when we look at the other things that are

going on around us—last week's message in the budget—we cannot be oblivious to a piece of legislation that may, in fact, either keep jobs here, or if we go the wrong way, cause more jobs to leave our Commonwealth and to go to the State of Delaware. This is the big picture. It is the big picture that means more than the interest rates that I pay and you pay and the other people pay, and it is one of supporting this legislation which I think is the responsible way to go in 1991 and for the next few years here in Pennsylvania.

Senator BELL. Mr. President, I heard the gentleman's argument spoken on the floor a couple of other times, that they were going into free enterprise and through free enterprise the rate will lower. I have not found it lowering at all. I find that the banks are getting every dollar they can get out of this thing. My only regret—and I am going to vote against continuing the 18 percent interest—is that our law is not so written that it goes down to 12 percent. When this 18 percent went on, the going rate was 16 percent. We gave them two percent extra. Now, at nine or ten percent, they do not need eight percent extra. I could tell you a few stories about Delaware, too. I am glad I do not live in Delaware.

Senator SCHWARTZ. Mr. President, in 1982 the General Assembly responded to the problems of inflation and rapidly rising interest rates in other sectors by increasing the ceiling on the interest rates. It was intended to be temporary as, of course, the law allows. Now while this action may well have been necessary at that time, this year's review of interest rates, as has been discussed previously, does not warrant the continuation of an increased ceiling. The fact is that interest rates have been declining. The cost of money has declined from 16.5 percent nine years ago to 9.5 percent today. The prime interest rate has dropped to 8 or 9 percent. Thus, in my opinion, it is unnecessary and possibly detrimental for the General Assembly to approve a continued interest of 18 percent ceiling on the credit card interest rates. Now is the time when we must do all we can to stimulate the economy in this Commonwealth, and one way to do that is to stimulate consumer buying. Lowering the interest rate ceiling on credit card charges could have this beneficial effect on the economy in Pennsylvania. Interest rates in Pennsylvania and across the nation are coming down. The lowest rates in Pennsylvania are now 12.9 percent and the State Employees Credit Union is at 14 percent. Consumers, particularly working middle-class families, need our help in assuring that they have the purchasing power without an undue interest burden. For these reasons I will vote against House Bill No. 67 and instead cast my vote for both economic growth and for the consumer in Pennsylvania.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Rhoades and Senator Robbins.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Rhoades and Senator Robbins. The Chair hears no objection. Those leaves will be granted.

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—36

Afflerbach	Helfrick	Mellow	Salvatore
Armstrong	Holl	Musto	Scanlon
Baker	Hopper	O'Pake	Shaffer
Bortner	Jubelirer	Pecora	Shumaker
Brightbill	LaValle	Peterson	Stapleton
Fisher	Lemmond	Punt	Stewart
Greenleaf	Lewis	Reibman	Stout
Greenwood	Loeper	Rhoades	Tilghman
Hart	Madigan	Robbins	Wenger

#### NAYS—11

Andrezeski	Bodack	Fumo	Porterfield
Belan	Dawida	Jones	Schwartz
Bell	Fattah	Lincoln	

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

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

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet imminently to consider certain nominations.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber. Upon completion of that meeting, we still have some executive nominations to consider yet today.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately, the Senate will stand in brief recess. Would the Members of the Committee on Rules and Executive Nominations please convene in the Rules room at the rear of the Senate Chamber.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported

the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

MEMBER OF THE CRIME VICTIM'S COMPENSATION BOARD

January 17, 1991.

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, Lucille M. Trench, 158 Lowell Court, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1995, and until her successor is appointed and qualified, vice O. Frank DeGarcia, Harrisburg, resigned.

ROBERT P. CASEY.

NOMINATION LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE CRIME VICTIM'S COMPENSATION BOARD

January 17, 1991.

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, Lucille M. Trench, 158 Lowell Court, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1995, and until her successor is appointed and qualified, vice O. Frank DeGarcia, Harrisburg, resigned.

ROBERT P. CASEY.

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

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

YEAS—47

Table listing senators in support (Yeas) for the nomination: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Bortner, Brightbill, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Hart, Helfrick, Holl, Hopper, Jones, Jubelirer, LaValle, Lemmond, Lewis, Lincoln, Loeper, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Reibman, Rhoades, Robbins, Salvatore, Scanlon, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger.

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

SECRETARY OF GENERAL SERVICES

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable David L. Jannetta, 312 Logan Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as Secretary of General Services, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

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

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

YEAS—45

Table listing senators in support (Yeas) for the nomination: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Bortner, Brightbill, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Hart, Helfrick, Holl, Hopper, Jones, Jubelirer, LaValle, Lemmond, Lewis, Lincoln, Loeper, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Reibman, Robbins, Salvatore, Scanlon, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Wenger.

NAYS—2

Table listing senators in opposition (Nays): Rhoades, Tilghman.

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

Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

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

The Clerk read the nomination as follows:

**DISTRICT JUSTICE**

January 10, 1991.

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, Steve A. Divietro, 3800 Farmersville Road, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-09, to serve until the first Monday of January, 1992, vice Walter F. Auch, Jr., mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

**YEAS—47**

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

**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.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**UNFINISHED BUSINESS**

**REPORTS FROM COMMITTEE**

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

**SB 4 (Pr. No. 4)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance.

**SB 303 (Pr. No. 469) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors.

**SB 304 (Pr. No. 314)**

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

**SB 347 (Pr. No. 470) (Amended)**

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to the World War II veterans of the 28th Infantry Division of the Pennsylvania National Guard by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Cedric Hepner, Salvadore Olcese and to Frank D. Cimino by Senator Helfrick.

Congratulations of the Senate were extended to the Mid-Valley Football Team by Senator Mellow.

Congratulations of the Senate were extended to Ralph and Gladys Pennypacker, Trooper William A. DiGilio, Jr. and to WEEU Broadcasting Company of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Emil Yenchick by Senator Rhoades.

Congratulations of the Senate were extended to the Franklin YMCA by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Grant B. Engle by Senator Shumaker.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to.

The bills were as follows:

**SB 4, 28, 166, 303, 304 and 347.**

And said bills having been considered for the first time,

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

**PETITIONS AND REMONSTRANCES**

Senator LINCOLN. Mr. President, on March 23, 1990, U.S. Senator Arlen Specter sent a letter to Saddam Hussein offering his best wishes and expressing hope that they could work together for peace and security. On January 7, 1991, Senator Specter wrote a letter to me taking credit for six single-spaced pages of accomplishments of the 101st Congress. The letter to me, which I somehow suspect was not an individual effort, is almost as silly as the one sent to Saddam Hussein. While I read in the newspaper that the junior Senator is red-faced about the letter overseas, I wonder if he is

appropriately embarrassed about his grandstanding here at home. In his letter Mr. Specter takes credit for federal deficit reduction in 1990. Either his memory is faulty or he is choosing to ignore the fact that since he was elected to the U.S. Senate in 1980, he and his Republican Presidents have worked up an accumulative deficit of \$1.3 trillion. He takes credit for introducing legislation which would strengthen the Omnibus Trade and Competitiveness Act by allowing the U.S. to retaliate against unfair trading practices in Japan and other nations. Either his memory is faulty or he is choosing to ignore the fact that since 1980 when he was elected to the Senate and Ronald Reagan was elected to the White House, American manufacturers' share of the world consumer electronics market has shrunk from 70 percent to five percent and that decline has more to do with misguided economic policies of his party than with unfair trading practices. He takes credit for the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 and the Paul Douglas Teacher Scholarship Program, both of which are named for great Democrats who are leaders in the field of education. He takes credit for the 1990 Crime Control Act, but neglects to mention that Senator Joseph Biden, Democrat of Delaware, was chief sponsor of that legislation and that he, Senator Specter, was actually thrown out of the conference committee meeting when he had tried to address it. He takes credit for cosponsoring a bill to extend through 1995 energy tax credits for solar geothermal and ocean thermal energy development. How can he ignore the complete lack of an energy conservation plan from this and the previous Republican administrations? Every advance initiated by President Jimmy Carter was halted by Ronald Reagan, and the ball has certainly not been picked up by President George Bush. Senator Specter, in his zeal to take credit, neglects to mention that his bill went nowhere, in part because of lack of support from his administration. And in the most ironic and self-serving section of all, he takes credit for an additional \$4.1 billion for programs such as Head Start, Maternal and Child Health Grants and Childhood Immunizations. Has he forgotten the enormous reductions in spending for housing, employment and training, mass transit, education and health programs which have characterized his time in the Senate? In fact, what Arlen Specter has actually done in the 101st Congress is the following: He introduced 37 bills of which four were passed into law. They were the National Neighborhood Crime Watch Day, which passed in both 1989 and 1990, the National Rehabilitation Week and the National Domestic Violence Awareness Month. All important issues, I submit, but all unimportant pieces of legislation. Like his letter, they are all puffery and no substance. In addition, he and Representative Goodling introduced identical legislation to adjust the boundaries of Gettysburg National Military Park, and the Congress enacted Representative Goodling's bill.

Politics has not changed much. In the 16th Century, in another country, in a play about the Thane of Glamis, William Shakespeare wrote the following:

"Life's but a walking shadow, a poor player  
That struts and frets his hour upon the stage,  
And then is heard no more; it is a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing."

No description could be more appropriate to our junior Senator here today.

I am standing here to protest Senator Arlen Specter's letter, not because I have never seen a piece of self-serving political puffery before, but because I have seen too much. At a time when our nation is at war abroad, and we should be at war at home against poverty for 19 percent of our children, against inadequate education, dying inner cities and crumbling infrastructure, against deteriorating industrial capacity and rapidly escalating crime, our nation needs leaders of courage and strength, not leaders who pat themselves on the back for hollow victories.

We at the state level are being asked to pick up the burden for the failed domestic agenda that our national leaders have abandoned. While we struggle with our own deficit, while we struggle with balancing our budget by reducing programs which are ever more desperately needed or we are raising taxes which are ever more unwelcome, I deeply resent this shallow, self-serving political gimmickery.

My message to Senator Arlen Specter is this: Give the State of Pennsylvania the money you spent on printing and postage for this piece of claptrap and let us at least feed, clothe, house and educate at least one Pennsylvania child.

Senator FISHER. Mr. President, in my ten years here on the floor, I know that during times of Petitions and Remonstrances and at other times during the course of debate on bills and amendments, we have often had the opportunity to engage in debate that sometimes to the listener or the onlooker might sound like a little bit of a gubernatorial debate from time to time, particularly when we got to those years when the Governor and Lieutenant Governor were up for reelection or election, but never before have I heard Petitions and Remonstrances used for what maybe is going to be a new first on the floor. That is a discussion upon issues that might reflect upon a future election for the office of United States Senate. But I guess that is where we have embarked today with the remarks that have been previously delivered by my friend from Fayette County, Senator Lincoln.

Certainly, Senator Specter's record is well known to all of us. Many have seen the Senator all across this Commonwealth. I know in Pittsburgh we seem to see him with frequency at least once a week, and although I read the letter—I do not have the letter in my possession that Senator Lincoln referred to—I was, quite frankly, pretty pleased to get that response from my friend, Senator Specter, because I think he has been a Senator of accomplishments. But, here we are on the floor of the Senate and there are many issues that impact our country and our world. I do not profess at this stage to be one who feels that comfortable in debating the issues that are debated daily on the floor of the Congress and on the floor of the United States Senate, but I do feel a little more comfort-

able in addressing the issues that affect us here in Pennsylvania, particularly with the budget and the record of this administration, the Casey-Singel Administration.

Last week the Casey-Singel Administration brought before us a budget that all of us recognize was presented in very, very difficult economic times. There has been a lot of debate over the past week as to what the Governor said last week versus what he said in October and what the Lieutenant Governor said last week versus what he said in October and what, in fact, our candidate for Governor said in October. There have been comparisons. KDKA-TV did a rather effective comparison of the words of the Governor when he spoke about the billion dollar deficit last week versus how he spoke about the billion dollar deficit in the course of his debate. But yet, when we continue to look at the package that was presented—and I know that is going to be a continuation of that review, particularly in the next three weeks as the Senate Committee on Appropriations begins a thorough review of the budget requests from the departments—one of the things which strikes us in the presentation that was made last week—those documents do, in fact, take time to review—was the review that we made at the end of last week which says that really the recommendation for new taxes, when it is fully calculated and fully stated, is far more severe and asks for far more money from the people of this Commonwealth than was actually divulged in that budget statement. We found that the additional money being requested in new taxes by the Casey-Singel Administration is really a sum of almost \$180 million more than the \$1.7 billion that was announced. It surprises me in the calculation that was made that the Governor would have understated the amounts collected by particularly the cigarette tax, because that cigarette tax, if enacted, will produce an additional \$18 million because on top of that is the Pennsylvania sales tax. So when you take six percent of \$300 million you come out with another \$18 million.

There are various other items that were included and when you add them up showed additional dollars. But I think the importance of that close examination of the budget on the revenue side shows that as we are addressing it over the next four months we not only have to look at today, we have to look at tomorrow and what those revenues are going to mean in future years. We also need to look at the level of spending that has been proposed this year versus a level of spending last year and the amount of money that will actually be spent in this year's budget. Quite frankly, I find the Casey-Singel budget, which calls for an increase of spending of 6.5 percent over and above last year, rather shocking. We are asking the people across this Commonwealth to spend less but, yet, we can say it is okay for the Commonwealth of Pennsylvania to spend 6.5 percent more.

Now I am sure that this debate today is not going to resolve the issues of this budget. I am also cognizant of the fact that three weeks of hearings on the budget are not going to resolve and bring forward to the people of Pennsylvania a General Fund Budget, but they are going to get us a lot closer to the real record of the Casey-Singel Administration over the past

four years. It is going to get us a lot closer to whether or not the facts which were presented in last year's campaign were really facts or were really fiction. I believe that when we look at what we are faced with in this Commonwealth, when we look at the fact that the recommendation was presented by the Casey-Singel Administration, when we look at the impact it is going to have on the business community, we have to recognize that that impact is devastating. A lot of people do not understand the capital stock and franchise tax, and it is easy in a budget document to say that we recommend the increase in the capital stock and franchise tax of one mill and that does not sound like much to anyone. When you look at the calculation on the sheet of what one mill provides, we really are talking about a sum of less than \$100 million. When we put in the extra half mill for the refueling of the Rainy Day Fund—which I believe is rather unprecedented at a time when it is raining—that \$100 million is really nothing when you look at what the subtleties, what the small changes of such things as the repeal of the manufacturing exemption will mean to the business community—a sum of \$425 million—when you look at what the increase in the minimum tax under the capital stock and franchise tax will mean—the sum of close to \$100 million. But when you look at how that is arrived at, we are going to tell all of those small business people that the Casey-Singel Administration has tried to cultivate and bring to Pennsylvania and keep in Pennsylvania that they are going to pay a sum not of \$75.00 that they pay as a minimum tax today, but the sum of \$900.00, no matter how profitable their corporation is. That is a shocking statistic to the little people across this Commonwealth who have that Pennsylvania corporation, who might only be hiring one or two people but are providing jobs for Pennsylvania, jobs for their families all throughout this Commonwealth. Those shocking statistics I think tell a lot about the story of where the Casey-Singel Administration has taken us and where the Casey-Singel Administration intends to take us not only during the next year but the next two years and over the next four years.

Mr. President, I think we ought to leave the debates of what is happening in the Congress and the Senate of the United States there, but I think, clearly, we have an obligation to the people that we were elected to represent here in Harrisburg in the State Capitol to fully and thoroughly debate the issues which not only have us where we are today but are going to take us into the future. I, quite frankly, think that the results of what we do this year will have as much impact on the future of this Commonwealth in the 21st Century as anything we have ever done during the period of time that I have represented the people of the South Hills of Allegheny County during the past 17 years. It is not going to be easy for any of us, no matter whether we are Republicans, no matter whether we are Democrats, but I think it is important to recognize that we have enough work to do here. We have enough state issues facing us, and we do not need to debate the issues that face the Congress and the Senate of the United States.

Senator LINCOLN. Mr. President, there are several points I would like to answer of the gentleman from Allegheny,



Senator Fisher's very fine deflection of the problems that are at hand, and the Republican Party is wonderful at deflecting problems. But the first thing I would like to make very clear to Senator Fisher and all those who may have some interest in listening to this is, in his early opening remarks he seemed to indicate that there was some potential I was going to be a candidate for the U.S. Senate. I would like to say to him and the whole world that the most remote possibility in my life is to be a candidate for the U.S. Senate. I have absolutely no interest in being a U.S. Senate candidate and, in fact, I think probably the reason that Senator Fisher is here answering this challenge today is that he has some ulterior motives of being a candidate either for Governor in 1994 or potentially one of the row offices on a state level in 1992. His record of running statewide has a great deal more credibility than mine does, and I mean credibility in the fact that he has done it once and was rejected very soundly by the voters and, I think, probably would find that to be the case again if he tries to run on the same basis that he ran in whatever year that was.

Anyway, I think the real issue today is what the federal Congress has not done, what the federal leadership under three successive terms of Republican Presidents has not done, and the bearing that that has on our state problems is that we are not getting funds from the federal government in a manner that we need them for some very important issues. I am prepared to debate that at any time that Senator Fisher or anybody else on the other side wants to, but I also will tell you that we will be at these microphones many, many times over the next five or six months and we will talk about all the very difficult issues facing Pennsylvania and the Pennsylvania General Assembly. I also want to let Senator Fisher know that this record will reflect, from this microphone, the fact that in the 1989-90 Session alone, Senator Fisher forced through this Senate, because of his being in the Majority, spending bills that totaled \$35 million, \$35,458,000 to be precise, that was beyond the budget agreement that was passed back in June or early July of last year. In fact, his colleagues in the Senate passed in this General Assembly \$314,598,000 worth of spending bills that were not included in the agreed-to budget, and that history is one that could be reflected through the past several Sessions. I would also like to say to Senator Fisher that we will have an ample opportunity to debate this budget through many hours that we both probably do not want to be here to do, but that is what we have chosen. The most important thing that I did not hear in Senator Fisher's remarks was any indication whatsoever that the Republican Majority in this Senate is willing, ready and able to work towards a resolution and not continue to be partisan, to be so enamored with their hatred of a hell of a good Governor, Bob Casey, who has a four year record that I will stand and defend, not only defend, but talk to people about how wonderful it has been and put it forward as a stepping stone for the Democrat Party here in Pennsylvania. I can remember and I will have facts and I will have names and I will have dates of votes when Members of this Republican Party in the Senate of Pennsylvania voted to transfer hundreds of millions of dollars from

the Lottery Fund during the previous administration. The same people who are at the microphones now, including my dear friend Matt Ryan in the House, have a record that cannot be changed. The Majority does not change records, and the record shows that the lottery program is one area which the Republican Party in this state has practically destroyed by transferring the responsibility of General Fund spending to the Lottery Fund. This Governor in each budget that he has proposed has put money from the General Fund back into that Lottery Fund, and it is damned well good he did it, because we would really be in trouble if we did not have that money, if the lottery did not have what this administration has recommended and received in each budget to try to solidify it somewhat. I am not going to do it today, but I am prepared to stand here and give you the dates when everybody in this General Assembly voted for tax increases over a period of eight years that totaled well in excess of what this Governor has asked under a much different set of circumstances. I can tell you that I said, when we walked away from this budget process last summer, that I would take a lie detector test with every Member of the General Assembly that was there, and the one question that I wanted asked to that individual with those electrodes on him is, did you know that there was a problem with the budget that was passed and we walked away from? Did you know that it was not funded properly? Did you know that the Republican Majority in the Senate who drove that budget, who controlled that budget—did you know, Senator Fisher, when we left here last year that that budget was not going to be totally adequate to fund a full 12 months? We in the General Assembly did that and walked away from here acting like we did a wonderful job, but I would challenge any Member in this General Assembly who was in service and in office last year, that I will take a lie detector test, and when that question is asked, I am going to answer it truthfully. If they do not, I am sure that electrode is going to go ba, ba, ba, ba, ba. We gave Governor Casey the budget he has. In fact, if it was not for his insisting that we cut \$100 million—which drove this place crazy, the roof blew up in the building—because Governor Casey asked us to reduce spending by another \$100 million at the last minute because he knew that revenues were being reduced. Then the war starts in the Gulf and oil and everything else goes up. No, it is not as simplistic as, we do not have to face the things coming out of Washington. They are only proposing a budget this year that has a \$300 billion deficit. We are talking about a budget in Pennsylvania that is less than one-twentieth of that amount. Our total budget is one-twentieth, what we are going to spend to operate state government, of what this administration in Washington has continued now for the eleventh consecutive year, proposing deficit spending. Three hundred billion—hear that number—\$300 billion, and that does not even incorporate what it is costing to fight the war. So do not tell me we should not be interested in what is going on in Washington, and do not tell me I should not take the time I have to research Senator Specter's record to show how phony it is. There are two people in Pennsylvania out of 12 million who go to Wash-

ington to represent us in the U.S. Senate. If we have people down there who are more concerned with their own political future and their own looking good in the press, then I will tell you what, I do not care whether I am a Democrat or Republican, but I am going to tell you something. I care about those two people because they are the most important people who we have representing the people of Pennsylvania. If one of them is more concerned about running to Pittsburgh and Philadelphia and holding town meetings and talking about all these wonderful things that he never takes part in, then it is time. I do not care if it is Mike Fisher who runs against him in a Primary and defeats him and gets elected, because he would be one hell of a better U.S. Senator than Arlen Specter has ever even thought about being or ever has a chance of being. But do not tell me that we do not have a right to question his actions and his activities, because one of the reasons why we are getting hurt as a state is because of a lack of leadership coming out of the U.S. Senate members we have. One of them is going to be running next year, and I can tell you that I see people lining up to run against him in your party. Something has to happen even if we just shock him into starting to do his job. I guarantee you one thing, anything he sends me in the mail he better be prepared to answer for because I sure as hell am not going to throw it in the garbage without reading it real good and taking a look at it. I spent a great deal of time analyzing what he told me he did, and I do not think I have heard you say one word in defense of what I said in criticism of his record for that one particular piece of mail that he sent to me, and that was the only purpose for which I stood here today and took my time and your time. I am prepared if you want to stay here until 9:00 o'clock tonight and debate the budget. I think it is foolhardy because we will have ample time to do that. As far as I am concerned my only purpose here today was to point out to the people of Pennsylvania to the best of my ability how their Senator is not telling them quite the truth in the big mailer he just put out and how we ought to be taking a little bit harder look at him. Why this is so important to us is because of the billions and billions of dollars that we have not gotten from the federal government during the time that Reagan, Bush and Specter have been in office.

Senator FUMO. Mr. President, I am sure that the remarks of the gentleman from Fayette, Senator Lincoln, will insure that he is removed from Senator Specter's mailing list. But, in any event, Mr. President, I am not here to debate the merits of his remarks, nor of the remarks of the gentleman from Allegheny, Senator Fisher, concerning Senator Specter. I have only come back to the floor because there have been a number of statements made about the budget.

Mr. President, I feel obligated to remind this Chamber to take a look at the Legislative Journal for June 30, 1990, specifically at page 2431. These were the remarks that were made prior to us passing the budget of last year. It starts out with the gentleman from Delaware, Senator Loeper, and he was the only one, I might add, from the Majority who spoke that evening who felt there were some problems with the budget. Mr. President, I answered Senator Loeper after a long and

arduous period of time of negotiation and reminded him as I reminded the media and everyone else who was listening that that budget was a negotiated budget, that despite the fact the Republicans only put up a token number of votes, that budget could not have been enacted without the support of the Republican Majority in this Senate.

Mr. President, we all share the blame if, in fact, that budget was not balanced. It is not just Governor Casey's fault. It is everyone's in here who voted for that budget, and everyone's here who participated in the discussions on that budget, including the House Minority and Majority and the Senate Minority and Majority. I said that night if the Majority felt that that budget was not in balance, that I was fully prepared to put up tax votes from my caucus to balance that budget. There was no answer. Mr. President, I challenged the Republican Party in the most blatant form I could think of that if they did not believe the budget was balanced to stand up and say so. The Majority Party and the Republicans in this Commonwealth cannot have it both ways. They cannot vote for a budget at midnight on the 30th of June, and at 9:00 a.m. on the 1st of July say that that budget is wrong. They share the blame with everyone else if, in fact, there is any blame to be shared. The problem, Mr. President, is that we are all starting to catch that "read-my-lipitis" that was started by George Bush. As I pointed out that night, regrettably my Governor was catching onto that same disease, but at least he kept his promise for four years. So I am not impressed, nor should anyone else be by any outcry from the Republican Party about the fact that the budget was not balanced. They participated in making it that way.

Then, Mr. President, after that occurred the big spending liberals of the Republican Party passed through this Chamber \$314 million in spending over and above what was in a budget which we all now agree was unbalanced. Senator Greenwood passed a bill for \$44 million; Senator Jubelirer, \$36 million; Senator Fisher, \$35 million; Senator Salvatore, \$26 million; Senator Shaffer, \$26 million; Senator Brightbill, \$26 million; Senator Rhoades, \$21 million; Senator Loeper, \$19 million; Senator Corman, \$13 million; Senator Tilghman, \$13 million; Senator Peterson, \$13 million; Senator Greenleaf, \$10 million; and Senator Hess, \$8 million. That does not even count the frivolous expenditures of \$1 million and \$2 million that were passed on bills sponsored by Members of the Republican Party who at the same time complained, the budget is not in balance and we have to cut it, have proven themselves to be the biggest spenders in Pennsylvania's history. Mr. President, the time for the games playing has to stop now. We have reached the end of the line. We can no longer balance the budget with smoke and mirrors. The only way it could be done now is with tax votes and cuts. We are going to enter into a process which I think will yield tax votes rather than substantial cuts because the Governor has already cut the budget probably beyond where it should be cut. There are appropriation cuts in there that I disagree with and I know the Republican Majority disagrees with. How can we cut the University of Pennsylvania 60 percent in one year? How can

we cut the New Bolten Veterinary Center the way we have done it? How can we cut all those higher educational institutions? Mr. President, the budget is also designed to take care of poor school districts on the ESBE formula. I know before we are done that those Republican Members from the affluent districts are going to want a little piece of the pie to take home to their constituents so they can show they have done their job back home, and that will cost money too. That is going to be added in before we are done, Mr. President. I fully anticipate by the time we get this budget done, if we think \$1.6 billion is a lot of money, we will be over \$2 billion in spending deficits and they are going to have to be met by taxes. How should those taxes be imposed? I happen to agree with the Governor that business has not paid its fair share over the years. During the time when the Republicans controlled the front office and this Chamber, business's burden as it is opposed to those of the individual taxpayer has decreased substantially. I am not one of those crazies who said, let us tax business out of the Commonwealth, but I do believe there is an adequate amount of responsibility that they must bear for the services they get. The hundreds of millions of dollars we put in the economic development programs, which are welfare for the wealthy and the business community, have to be paid for by someone. Mr. President, I share the remarks of the gentleman that I do not think CNI ought to go above 10 percent either, but where are we going to find this money? It does not grow on trees and it certainly does not come from Washington. Where does it come from? It comes from our constituents. Until that side of the aisle is prepared to come forth with a budget that makes even deeper cuts than the one Governor Casey gave us, do not come in here and cry the blues. If you are prepared to fund that budget the way it is, as meager as it is, it is going to cost \$1.6 billion. Let us stop kidding, let us stop the political rhetoric, let us stop campaigning for 1994 and 1996 and beyond and let us worry about the fiscal problems that this Commonwealth faces today. Albeit many of those problems may have been caused by us in our failure to own up to our responsibilities, but let us stop the rhetoric and get to work, Mr. President, and start to discuss what we are going to do in raising taxes because taxes will be raised in Pennsylvania. We know it. Let us all stop trying to be heroes and go home and say, I do not want to do it. It has to be done unless the Republicans are prepared to cut that budget further, and I am willing to listen. Mr. President, I say now, before we start budget hearings, that I am fully prepared to listen to any argument the other side of the aisle has concerning budget cuts or new taxes. The fact of the matter is, we are not going to play with smoke and mirrors this year. It is going to be a tough year. I hope the other side of the aisle will be responsible at least to the degree that we can have the budget done on time. I know I am being overly optimistic in that hope, but I will still pray to God that it happens, that all the rhetoric will not take us into July, August, September, November or December, that we will own up to our responsibilities on time and stop kidding the public and stop trying to kid each other. It will not work.

**The PRESIDING OFFICER (John E. Peterson) in the Chair.**

### PETITIONS AND REMONSTRANCES

#### Continued

Senator FISHER. Mr. President, I am sorry that the President had to leave to get to another meeting over in his office, and I recognize that the duties sometimes for the President of the Senate do require him to leave the floor. That seemed to have been an issue of debate a few years ago in this Commonwealth, so I do recognize that there are times that you cannot sit tied to that seat. But I want to make sure that the gentleman from Fayette, Senator Lincoln, understood what he said. I did not suspect for one moment until you said that, Mr. President, that you had any inclinations on running for the United States Senate. I really never suspected that. I do not think anyone on our side of the aisle ever suspected that and that was not the purpose of my remarks in rebuttal to yours. But I did find it curious at a time when we really have so much facing us in such a short period of time that we should have dragged in here the issues of what is going on before the Senate of the United States, particularly at a time when the President of the Senate has avowed intentions, or at least some intentions, of becoming a candidate for the United States Senate against Senator Specter. My remarks were directed in a fashion that I hope will head off, if that in fact is the case, constant debate on this floor, either at this time of the proceedings or earlier, of what could be a full scale debate across this state between the Lieutenant Governor of this Commonwealth and our sitting United States Senator, Senator Specter. Obviously, what Senator Specter has done as a record of achievement has gotten him elected and reelected a number of times by the people of Pennsylvania, and I am sure that Senator Specter is obviously willing and able to defend that record against all comers, whether they be of our own party or of the Democratic Party. I am glad that the gentleman from Philadelphia, Senator Fumo, returned to the floor. I did not realize that my remarks would bring him back here so quickly, but they did. I am glad he returned to the floor to make a couple points about what happened last year because we have really been wondering what happened last year. It is ironic that the gentleman from Philadelphia, the Minority Chairman of the Committee on Appropriations, pointed to the very page of the Legislative Journal which I had open to respond to the comment by Senator Lincoln about the lie detector test. On that same page the Majority Leader, Senator Loeper, said last year on June 30th on the debate on final passage of this budget, "I think what we have seen is really a budget that is heading toward fiscal disaster before the end of the next fiscal year." That statement, a statement which is officially part of the record, was a statement that had been uttered by the gentleman from Montgomery, Senator Tilghman, and the Appropriations staff for months before June 30th. It is a statement that all of us left here with on the night of June 30th. I know many of us, such as myself, included it in remarks we sent to all of the residents of our dis-

tricts, that we were facing troubles. But, lo and behold, the last people in this Commonwealth, other than the taxpayers, to find out about the problems that this Commonwealth faced were apparently the leaders of the Casey-Singel Administration, the Governor and the Lieutenant Governor, because in August and September and October, after the Wharton School predicted in figures which we had and figures which I am sure they had—I cannot believe that Secretary Hershock would not have passed that data along—they predicted where we were going. They predicted what we had been saying in April, May and June was, in fact, going to be correct. But, no, we had to disavow those figures. We had name calling in a debate which tried to discredit our candidate, but we had a failure to recognize up front the problems that faced this Commonwealth. I too hope, as Senator Fumo has said, that we can wrap up this budget and the budget debate on time on June 30th. The people who like to see it that way, obviously, the employees of this Commonwealth, the people who count on this Commonwealth, would want to see it that way. I am fearful with just the short four to five months that we have, rather than 10 or 12 months to have dealt with that issue if we had been forthright last June, that that might not be enough time. Had we had frank and candid discussions all throughout 1990, had we had a level of spending throughout 1990 that was consistent with the revenues coming into the Commonwealth, we would not be anywhere near as bad off as we are today. That is our principal complaint today. That has been our principal complaint over the last seven months and, quite frankly, I think that is going to be the principal roadblock that all of us face in trying to come up with a resolution of this budget, not because we are going to stand here and continue to say, "We told you so." We recognize that is going to ring stale real soon. Clearly, we are going to have to continue to remind people that we told you so, because the level of spending that this Commonwealth has been on since the beginning of this fiscal year was a level of spending that we just could not afford. We spent more than we had coming in. We spent more than we knew we had coming in, and it is going to make the problem we are faced with today twice as difficult as it would have been if we had dealt with it last year. That is my regret, Mr. President. That is the regret I have in this budget debate, and I recognize we are going to have to stand up and we are going to have to come and make some difficult decisions—all of us on this side of the aisle, all the Members of our party in both Chambers and across the state. I just wish the people of this Commonwealth, the Governor and the Lieutenant Governor who are the two top people responsible for the administration of this Commonwealth, would have been just a little more candid with the voters and with the people when they spoke throughout the course of the year. They were not. Many people are holding them responsible and justifiably so. That process is a process that I think is going to make it all the more difficult for us and probably all the more difficult for us to come together in a final resolution. I think like the rest of my caucus. We stand ready, we stand willing and we stand able, and I think it is going to take a little more

candor and a little more frankness by the people who helped to craft and shape this budget, Governor Casey and Lieutenant Governor Singel, when they are dealing with us not only this year but in the future if they want the cooperation. We all owe a responsibility to the people who elected us, but they, too, owe the responsibility to the people whom they were asking to elect them to be fair, to be honest and to be candid. I am not sure that they were.

Senator LINCOLN. Mr. President, so that the people of Pennsylvania understand completely the need for candor, the candor does go just a little bit below Lieutenant Governor Singel. This budget process that we have been involved in for the last half a dozen years or so here in Pennsylvania, each budget for at least the last six years—I am not sure beyond that because I was not personally involved in it prior to that—has been negotiated by representatives of each caucus in the General Assembly and that negotiating process generally starts sometime in early May and goes on through to whenever we finally get it finished. The product that negotiation brings about is a conference committee report. So the people understand that that is not like a bill that we passed today, like House Bill No. 67. It is a conference report which means that some bill passed that one House and then something was amended and then the House that sent it to us refused to accept the amendments and it went into a conference committee, which happens with a lot of different pieces of legislation, but on the budget it is done deliberately. A bill is picked and some very bad amendments put in it so that the other House cannot accept it, and they refuse it, we insist, if it came from the House, then a conference committee is named which represents all four caucuses, but in this manner: There are three Senate Members and there are three House Members. The Majority Party in each Body gets two of the three and the Minority Party gets one. Before that document can be brought back before the House or the Senate to be voted on for final passage, two people from each Body have to sign it, placing their signatures on a front cover showing that they approved of that particular conference report. In this case, two Republican Senators signed that conference report, along with the other four parties, a Democrat from the House, a Democrat from the Senate, the two Democrats from the House, and I am not sure whether the Republican over there did or not because the Senate Republicans have almost ignored the House Republicans in this whole budget process. But it takes two signatures in each. The Republican Members of the conference committee in the Senate did, at a public meeting, sign the conference report and then voted on having that report reported out of committee to the Senate floor and House floor. Those two people did not say at the time that I am doing this under duress, that I am doing this not knowing what is in it, that I am signing this report, knowing six months from now there is going to be one heck of a battle over whether it is accurate or not. No, they signed it. It came up on the floor and it was passed, and every Member of the Republican Senate took their legislative initiatives that were part of that package and went back home and told everybody how

wonderful they were, what they brought back for them, their education increases, or whatever else. There was not one word spoken until somewhere along the line, down the campaign, the Republican candidate, who did not need any help in denigrating the position I think, did a really, really good job in making this election easy just by the actions and the particular name calling, like the "red-neck Irishman" and a few other things, that people in Pennsylvania kind of reacted to in a manner that they just would not vote for that candidate. That person had the same information, according to Senator Fisher, but evidently did not have the ability that Senator Fisher has to articulate that so the general public believed it. I think that was a difficult task for that person to do because at that point in time the seriousness of this matter did actually not exist. Since October until now, the situation on the federal level, the impact of the six-month occupation of Saudi Arabia and our efforts to force the Iraqi troops out of Kuwait have started to take their toll on a lot of different areas. U.S. Air last night decided to cut back 3,500 employees, and one of the main reasons they gave was because the war in the Gulf has scared people into not flying and has made their expenses become considerably higher. One of our major auto makers yesterday decided to lay off thousands and thousands of American workers. So, I think to say that Bob Casey left here in July, after this budget was passed, and deliberately went through a campaign trying to mislead people is a really harsh and a really unfair way of characterizing the position we have gotten to today. I think that is totally ridiculous because if anybody is forthright and candid, I have never met a public official more forthright and more candid and more honest than Bob Casey. I believe that in the conclusion of this budget, everything that has been accomplished by this administration will have a fair opportunity, and I think that he has a hell of a lot better record to defend than Senator Specter, which started all of this particular debate. I know that I am prepared to come before this Body and before the 12 million people in Pennsylvania and tell the truth. I am prepared to do whatever it takes to solve this problem and I am prepared to make the hard votes that jeopardizes one's political career. I say to the other 49 Members of this Body, including my Democrat colleagues, that I challenge you to think in that manner, to think about what happens 10 years from now, to think about what happens two years from now, because our actions over the next six months are going to greatly determine whether Pennsylvania continues to grow in stature nationally and continues to grow economically and our children have a place to stay and our children have a place to be educated and we have health care benefits for those who cannot provide. Those are the important things that have to come out of this debate today, that we can disagree with one another and we can have our fun politically and we can be partisan and we can do all the other things, but in the final analysis the challenge that lies before this General Assembly—because it is in our hands now, it is not in Governor Casey's hands—is to see that our actions, the actions we take, the manner in which we keep ourselves busy and the manner in

which we accomplish and the manner in which we finally vote to solve these problems will have such a long-term, very serious impact on every Pennsylvanian who now is residing here in the state and all of those who will come in, through birth or through moving, in the next few years.

There is a very, very difficult task that lies before us, and I can tell you that I am willing to take whatever extra steps it takes from my caucus viewpoint to see that those problems are resolved in a manner that is not discriminating to any citizen, whether it be business or an individual taxpayer, but that it is also fair in its application to how we spend their money, too. I would ask that the Republican caucus in the Senate particularly join in that effort with the sincerity that I know they have and the feelings they have for the constituency they represent.

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

### BILLS SIGNED

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

**HB 1 and 67.**

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Monday, March 11, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:05 p.m., Eastern Standard Time.