

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, APRIL 26, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 21

SENATE

MONDAY, April 26, 1993

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

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

PRAYER

The Chaplain, Reverend ELMER Q. GLEIM, of Madison Avenue Church of the Brethren, York, offered the following prayer:

Eternal Lord and Sovereign of all men, we pause to recognize our dependence upon You for guidance and inspiration at this Session. From the very beginning of this Commonwealth You had troubled men with a vision of a fairer and a fuller life for all people. Present to us once more this challenge as we meet on this day, as we stand in wonder before life.

In these moments of reverence, we ask that You will grant to each of us to be wise in study, rightly to understand, and perfectly to fulfill that which is Your will and what will be most pleasing in Your sight.

So we ask Your blessing as this Assembly seeks to promote sound industry and sound learning, and pure manners among all the people. As we seek to serve You this day, fill each of our minds with that wisdom which is from above, which is pure, peaceable, full of compassion and mercy. Grant us this so that each of us may live in accordance with that which is Your will.

Accept our deepest gratitude for this fine land. At the same time, may Thy favor rest upon a people who are as diverse as the land in which we live. We pray that the opportunity may constantly be granted to each person to pay his own tribute of excellence into this common treasury of gifts throughout this State. So may the humblest task of these moments now be exalted in the light of the great endeavors that we seek to undertake this day and in the following hours.

We offer our prayer in the spirit of our Lord. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 21, 1993.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator MELLOW, 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 ARCHITECTS LICENSURE BOARD

April 22, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David C. Leung, 305 Linden Street, Scranton 18503, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Architects Licensure 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, vice John Palumbo, Scranton, whose term expired.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

April 22, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rosalyn K. Robinson, Esquire, 529 Glen Echo Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Marvin Halbert, mandatory retirement.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD
OF PHARMACY

April 22, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paula L. Castor, 413 South Stone Ridge Drive, Lansdale 19446, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years and until her successor is appointed and qualified, but not longer than six months beyond that date, vice Bernard Corchnoy, Springfield, whose term expired.

ROBERT P. CASEY
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

April 22, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 15, 1993 for the appointment of Andrew B. Cantor, Esquire, 224 Waring Road, Elkins Park 19117, Montgomery County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1994, vice The honorable Anita B. Brody, resigned.

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

ROBERT P. CASEY
Governor

HOUSE MESSAGES

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 1, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to SB 1, and has appointed Messrs. VEON, LLOYD and GLADECK as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two Houses in relation to said bill.

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:

April 22, 1993

HB 318 — Committee on Local Government.

HB 461, 576, 878 and 986 — Committee on Transportation.

April 23, 1993

HB 103 — Committee on Law and Justice.

HB 163 — Committee on Veterans Affairs and Emergency Preparedness.

HB 213 — Committee on Judiciary.

HB 718 — Committee on Game and Fisheries.

HB 338 and 958 — Consumer Protection and Professional Licensure.

BILLS INTRODUCED AND REFERRED

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

April 21, 1993

Senators MELLOW, LOEPER, STOUT, REIBMAN, AFFLERBACH, SCANLON, STAPLETON, FISHER, CORMAN, LYNCH, LAVALLE, TILGHMAN, WILLIAMS, PECORA, SHAFFER, SCHWARTZ, BORTNER, MADIGAN, MUSTO, STEWART, SALVATORE, DAWIDA, JONES, HELFRICK, BELAN and LINCOLN presented to the Chair **SB 970**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension or revocation of vehicle business registration plates.

Which was committed to the Committee on TRANSPORTATION, April 21, 1993.

Senators MUSTO, LAVALLE, BELAN, O'PAKE, SCHWARTZ, LEMMOND, FATTAH, REIBMAN, PORTERFIELD and RHOADES presented to the Chair **SB 971**, entitled:

An Act regulating the use, storage, purchase and sale of explosive materials; requiring the licensing of persons for the detonation of explosive materials; requiring permits for the purchase and sale of explosive materials; imposing duties on persons who use, store purchase and sell explosive materials; authorizing the Environmental Quality Board to adopt regulations and the Department of Environmental Resources to enforce and administer the act and regulations; providing for enforcement and remedies; establishing a fund; prescribing penalties; and making repeals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 21, 1993.

April 22, 1993

Senators BRIGHTBILL, MUSTO, STEWART, SHAFFER, BELAN, ROBBINS, FISHER, JUBELIRER, LOEPER, MELLOW, LINCOLN, FUMO, BELL, HELFRICK, STAPLETON, RHOADES, JONES, GREENLEAF, PECORA, HOLL, SCHWARTZ, PETERSON, DAWIDA, ARMSTRONG, FATTAH, MADIGAN, LEWIS, MOWERY, SCANLON, PUNT, WILLIAMS, SALVATORE, SHUMAKER, LAVALLE, WENGER, CORMAN, LEMMOND, STOUT, O'PAKE, BAKER, REIBMAN, PORTERFIELD, AFFLERBACH, BODACK and BORTNER presented to the Chair **SB 972**, entitled:

An Act providing for the voluntary cleanup of existing industrial sites; further defining the cleanup liability of new industries, financial institutions and tenants; providing for the voluntary cleanup of industrial sites by responsible owners; establishing the Voluntary Cleanup Loan Fund and the Industrial Land Recycling Fund to aid industrial site cleanups; and providing for the registration of environmental consulting professionals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 22, 1993.

Senators SHUMAKER, REIBMAN, MADIGAN, O'PAKE, JONES, PETERSON and LAVALLE presented to the Chair **SB 973**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing programs for the education of disruptive students.

Which was committed to the Committee on EDUCATION, April 22, 1993.

Senators SCHWARTZ, AFFLERBACH, JONES, LEWIS, REIBMAN, FATTAH and HART presented to the Chair **SB 974**, entitled:

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

Which was committed to the Committee on STATE GOVERNMENT, April 22, 1993.

Senators HART, MOWERY, SHUMAKER and HELFRICK presented to the Chair **SB 975**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a maximum number of consecutive full terms of office for members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, April 22, 1993.

Senators HART, BRIGHTBILL, BAKER, MOWERY, WENGER and CORMAN presented to the Chair **SB 976**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a business student apprenticeship support tax credit.

Which was committed to the Committee on FINANCE, April 22, 1993.

Senators HART, BRIGHTBILL, WENGER, CORMAN, MOWERY and BAKER presented to the Chair **SB 977**, entitled:

An Act establishing a Statewide student apprenticeship program that works as a potential supplement to currently operating adult job training initiatives called apprenticeships; creating the State Student Apprenticeship Council as a subcommittee of the State Board of Education; designating the Department of Education as the administrative agency for the State Student Apprenticeship Council; providing for the creation of student apprenticeship regions; designating intermediate units or similar functionaries as local coordinating agencies for student apprenticeship programs; and providing guidelines for the administration and operation of the program.

Which was committed to the Committee on EDUCATION, April 22, 1993.

Senators HART and HELFRICK presented to the Chair **SB 978**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of the initiative and referendum as powers reserved to the people.

Which was committed to the Committee on STATE GOVERNMENT, April 22, 1993.

Senators HART and HELFRICK presented to the Chair **SB 979**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the recall of members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, April 22, 1993.

Senators HART and HELFRICK presented to the Chair **SB 980**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating straight party voting.

Which was committed to the Committee on STATE GOVERNMENT, April 22, 1993.

Senators PECORA, MELLOW, AFFLERBACH, LINCOLN and O'PAKE presented to the Chair **SB 981**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for the compensation and classification of board appointees.

Which was committed to the Committee on EDUCATION, April 22, 1993.

Senator BODACK presented to the Chair **SB 982**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for the definition of

"firefighter, ambulance service or rescue squad member or law enforcement officer."

Which was committed to the Committee on LABOR AND INDUSTRY, April 22, 1993.

Senator BODACK presented to the Chair **SB 983**, entitled:

An Act providing for financial assistance to zoological gardens; providing further duties for the Department of Community Affairs; and making an appropriation.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 22, 1993.

Senators LEWIS, GREENLEAF, REIBMAN, BORTNER, FISHER, AFFLERBACH, TILGHMAN, BRIGHTBILL and DAWIDA presented to the Chair **SB 984**, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Which was committed to the Committee on JUDICIARY, April 22, 1993.

Senator PORTERFIELD presented to the Chair **SB 985**, entitled:

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

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1993.

April 23, 1993

Senator FUMO presented to the Chair **SB 986**, entitled:

A Supplement to the act of entitled "Prison Acquisition Capital Project Act for 1992-1993," itemizing public improvement projects to be constructed or acquired by the Department of General Services, together with their estimated financial costs, authorizing the incurring of debt without the approval of the electors for the purpose of financing the public improvement projects to be constructed or acquired by the Department of General Services; stating the estimated useful life of the projects; and making an appropriation.

Which was committed to the Committee on APPROPRIATIONS, April 23, 1993.

Senators DAWIDA, HART, LAVALLE, O'PAKE, PORTERFIELD, FISHER, MOWERY, SHUMAKER, WENGER, SALVATORE, FATTAH, SHAFFER, BELL, HELFRICK, LEMMOND, CORMAN, PUNT and RHOADES presented to the Chair **SB 987**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for imposition of the sales and use tax on computer programming services and other computer-related services.

Which was committed to the Committee on FINANCE, April 23, 1993.

Senators HART and HELFRICK presented to the Chair **SB 988**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for additional registration requirements for political action committees; further providing for reporting by candidate and political action committees; providing for limitations on contributions; prohibiting bundling; providing for contributions by partnerships; imposing powers and duties on the Department of State; prohibiting certain uses of public funds; and imposing penalties.

Which was committed to the Committee on STATE GOVERNMENT, April 23, 1993.

Senators REIBMAN, JONES, AFFLERBACH, STEWART, DAWIDA, MUSTO, PUNT, STAPLETON, BELAN and O'PAKE presented to the Chair **SB 989**, entitled:

An Act providing for an Associates in Education Program; and making an appropriation.

Which was committed to the Committee on EDUCATION, April 23, 1993.

Senators REIBMAN, JONES, AFFLERBACH, STEWART, DAWIDA, HELFRICK, WILLIAMS, WENGER, HART, MUSTO, PUNT, MOWERY, FISHER, LYNCH, STAPLETON, BELAN, FATTAH and O'PAKE presented to the Chair **SB 990**, entitled:

An Act providing a tax credit for donated equipment.

Which was committed to the Committee on FINANCE, April 23, 1993.

Senators REIBMAN, JONES, AFFLERBACH, STEWART, DAWIDA, HELFRICK, WILLIAMS, WENGER, HART, MUSTO, PUNT, MOWERY, FISHER, LYNCH, STAPLETON, BELAN, FATTAH and O'PAKE presented to the Chair **SB 991**, entitled:

An Act providing for tax credits to corporations donating computer equipment to libraries.

Which was committed to the Committee on FINANCE, April 23, 1993.

Senators REIBMAN, JONES, AFFLERBACH, STEWART, DAWIDA, WILLIAMS, WENGER, HART, MUSTO, MOWERY, FISHER, LYNCH, STAPLETON, BELAN and FATTAH presented to the Chair **SB 992**, entitled:

An Act providing a tax credit for donated services.

Which was committed to the Committee on FINANCE, April 23, 1993.

Senators REIBMAN, JONES, AFFLERBACH, STEWART, DAWIDA, HELFRICK, HART, MUSTO, MOWERY, STAPLETON and O'PAKE presented to the Chair **SB 993**, entitled:

An Act providing a tax credit for summer internships for teachers.

Which was committed to the Committee on FINANCE, April 23, 1993.

Senators GREENLEAF, BELL, HART, HELFRICK, LOEPER, O'PAKE, PECORA, REIBMAN, RHOADES and ROBBINS presented to the Chair **SB 994**, entitled:

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

Which was committed to the Committee on JUDICIARY, April 23, 1993.

Senators GREENLEAF and SCHWARTZ presented to the Chair **SB 995**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Which was committed to the Committee on TRANSPORTATION, April 23, 1993.

Senators GREENLEAF and SCHWARTZ presented to the Chair **SB 996**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Which was committed to the Committee on TRANSPORTATION, April 23, 1993.

Senators GREENLEAF, RHOADES and SALVATORE presented to the Chair **SB 997**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for monthly meetings, quorum and voting.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senators GREENLEAF, RHOADES and SALVATORE presented to the Chair **SB 998**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for monthly meetings, quorum, voting, rent and expenses.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senators GREENLEAF, RHOADES and SALVATORE presented to the Chair **SB 999**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for organization of council, quorum, voting, compensation and eligibility.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senators GREENLEAF and JONES presented to the Chair **SB 1000**, entitled:

An Act creating the Capital Representation Resource Center of Pennsylvania for capital offense litigation; providing for its duties and responsibilities; and making an appropriation.

Which was committed to the Committee on JUDICIARY, April 23, 1993.

Senator GREENLEAF presented to the Chair **SB 1001**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," providing for an educational impact fee.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senators GREENLEAF, LEMMOND and SALVATORE presented to the Chair **SB 1002**, entitled:

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

Which was committed to the Committee on JUDICIARY, April 23, 1993.

Senators GREENLEAF and HART presented to the Chair **SB 1003**, entitled:

An Act establishing the State Tax Collectors' Commission; and providing for the certification of State tax collectors and for continuing education.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senator GREENLEAF presented to the Chair **SB 1004**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," providing for the selection and duties of a township tax collector; and further providing for the duties of township treasurers.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senator GREENLEAF presented to the Chair **SB 1005**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," imposing additional audit responsibilities on the Department of Community Affairs relating to tax offices of certain first class townships.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senator GREENLEAF presented to the Chair **SB 1006**, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," further providing for the payment of taxes, for the deposit of tax payments and interest earned on tax payments and for the reconciliation of accounts between tax collectors and taxing districts.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

Senators STOUT, CORMAN, PECORA, BORTNER and BAKER presented to the Chair **SB 1007**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for maximum speed limits.

Which was committed to the Committee on TRANSPORTATION, April 23, 1993.

Senators AFFLERBACH, REIBMAN, SCHWARTZ, FATTAH, WILLIAMS, LAVALLE, BRIGHTBILL and JONES presented to the Chair **SB 1008**, entitled:

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), entitled, as amended, "Fire and Panic Act," further providing for classes of buildings.

Which was committed to the Committee on LABOR AND INDUSTRY, April 23, 1993.

Senators BRIGHTBILL, HELFRICK, HART, SHUMAKER, RHOADES and PETERSON presented to the Chair **SB 1009**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for the membership of the county retirement board.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1993.

April 26, 1993

Senators STEWART, SCHWARTZ, LAVALLE, HELFRICK and MUSTO presented to the Chair **SB 1010**, entitled:

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), entitled "Loan Interest and Protection Law," prohibiting prepayment penalties; and making a repeal.

Which was committed to the Committee on BANKING AND INSURANCE, April 26, 1993.

Senators STEWART, DAWIDA and MUSTO presented to the Chair **SB 1011**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," exempting units of nonprofit nationally chartered clubs from licensing quota.

Which was committed to the Committee on LAW AND JUSTICE, April 26, 1993.

Senators STEWART, SHAFFER, DAWIDA, BELAN, LAVALLE, PECORA, MUSTO, SCHWARTZ, REIBMAN, HELFRICK and HART presented to the Chair **SB 1012**, entitled:

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), entitled, as amended, "Site Development Act," extending the expiration of approval authority.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 26, 1993.

RESOLUTION INTRODUCED AND REFERRED

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

April 21, 1993

DESIGNATING THE DAY OF MAY 5, 1993 AS "INTERNATIONAL DAY OF THE MIDWIFE" IN PENNSYLVANIA

Senators DAWIDA and AFFLERBACH offered the following resolution (**Senate Resolution No. 47**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, April 21, 1993

A RESOLUTION

Designating the day of May 5, 1993, as "International Day of the Midwife" in Pennsylvania.

WHEREAS, Midwives helped mothers and children prior to written history and are still important in health care; and

WHEREAS, The use of midwifery services may not be for every woman, but it is an option that deserves more recognition and greater acceptance in our country; and

WHEREAS, Midwives provide a family-centered childbirth option that has grown in response to the choice of thousands of parents; and

WHEREAS, Midwives are dedicated to the care of pregnancy and birth and treat each woman's pregnancy according to her unique physical and personal needs; and

WHEREAS, Midwives offer pregnancy screening, prenatal care, childbirth education and counseling to pregnant women on health needs, pregnancy-related transitions, family relations and postpartum concerns; and

WHEREAS, The World Health Organization has noted the impact midwifery care has on improving infant mortality and reducing cesarean birth rates; therefore be it

RESOLVED, That the Senate designate May 5, 1993, as "International Day of the Midwife" and encourage others to observe this day with the appropriate programs, ceremonies and activities.

GENERAL COMMUNICATION

1992 REPORT OF THE ESTATE OF STEPHEN GIRARD

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

CITY OF PHILADELPHIA, TRUSTEE
Acting By The
BOARD OF DIRECTORS OF CITY TRUSTS
Stephen Girard Building
21 S. 12th Street
Philadelphia, PA 19107-3684

April 21, 1993

To the Chief Clerk of the
Pennsylvania State Senate
Harrisburg, PA 17000

As specifically provided in Clause XXIV, Item 3, of the Will of the late Stephen Girard, the Board of Directors of City Trusts acting for the City of Philadelphia renders herewith to the Legislature of the Commonwealth of Pennsylvania, a detailed account for the year 1992 of the Estate devised to the City of Philadelphia, in trust, and the investment and application of the same, and a report in like manner of the state of Girard College, copies of which have been rendered the House of Representatives.

Information in the section of the report relative to the state of Girard College was furnished by the Interim Head of School.

Respectfully submitted,

RICHARD W. BURCIK
General Manager

The PRESIDENT. This report will be filed in the Library.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Resolutions No. 9, 47, and certain nominations.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, April 26, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 3, 1993 unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 3, 1993, unless sooner recalled by the Speaker of the House of Representatives.

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Madigan, and a legislative leave for today's Session on behalf of Senator Helfrick.

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Lewis and Senator Williams, and a legislative leave for the day for Senator Lynch.

The PRESIDENT. Senator Lincoln requests a legislative leave for Senator Lynch, and temporary Capitol leaves for Senator Lewis and Senator Williams.

Senator Loeper requests a temporary Capitol leave for Senator Madigan, and a legislative leave for Senator Helfrick.

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

CALENDAR

SENATE RESOLUTION NO. 36, CALLED UP OUT OF ORDER

Senator LINCOLN, without objection, called up out of order from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 36**, entitled:

A Resolution petitioning the Postmaster General of the United States Postal Service to issue a stamp recognizing the contributions of Mother Jones; and designating May 1, 1993, as "Mother Jones Day."

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 36, ADOPTED

Senator LINCOLN. Mr. President, I move that the Senate do adopt Senate Resolution No. 36.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Madigan and Senator Williams, and their temporary Capitol leaves will be cancelled.

PARLIAMENTARY INQUIRY

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Tilghman. For what purpose does the gentleman rise?

Senator TILGHMAN. Mr. President, I rise to ask a parliamentary inquiry.

The PRESIDENT. The gentleman from Montgomery, Senator Tilghman, will state it.

Senator TILGHMAN. Mr. President, I have a point of parliamentary inquiry that I would like to ask and it has to do with the fact that there are several appropriation bills on the Calendar. It was my understanding that before we could vote

on an appropriation bill there had to be a fiscal note on the desks of the Senators. Is that correct?

I would refer to page 12 of our rules, Section 16(b)—
Senator LINCOLN. Mr. President.

Senator TILGHMAN. --and it says that a fiscal note has to be attached thereto. I do not know whether that is a change in the rules, but it was my general understanding that a fiscal note was supposed to be on the desk. Is that with this, or anything else, or am I incorrect on that?

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

Senator LINCOLN. Mr. President, the fiscal notes are going to be brought to the floor right now.

The PRESIDENT. Does that satisfy the gentleman from Montgomery?

Senator TILGHMAN. Mr. President, yes. I understand that the fiscal notes will be on the desk, as well as other appropriation bills in the next 2 or 3 weeks, or whatever.

Senator LINCOLN. Mr. President, my understanding is that the plan had been to make those available while we were in caucus because we are not going to be dealing with any legislation on the Calendar until we come back from caucus. So we will do that right now, if the gentleman desires. If not, it will be done by the time we get done caucusing.

Senator TILGHMAN. Mr. President, thank you.

The PRESIDENT. The Chair thanks both gentlemen.

For point of clarification, Rule XIII, Section 16(b), addresses the issue of bills affecting revenues or expenditures, and it reads that, "No bill...shall be given third consideration... until it has been referred to the Appropriations Committee and a fiscal note has been attached thereto."

The question is whether that means it has to be on the desk or attached at the Committee on Appropriations. I leave that to the wisdom of the Senate.

But the Chair appreciates the acquiescence of the gentleman from Montgomery, Senator Tilghman, and the assistance of the gentleman from Fayette, Senator Lincoln.

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR ROXANNE H. JONES PRESENTED TO SENATE

The PRESIDENT. The Chair understands that Senator Jones has some guests in the gallery, and at this time I would like to afford her the courtesy of introducing them.

The Chair recognizes the gentlewoman from Philadelphia, Senator Jones.

Senator JONES. Mr. President, today I am happy to be able to introduce to the Senate two students from my district who are visiting me in order to do a profile on my duties as a State Senator, and I feel very proud about these students because during Black History Month, they chose me as a person to write about.

I would like to introduce Ajeenah Tucker, age 11. She attends Levering Science Magnet School, and she is in sixth grade. Also, along with Ajeenah is her brother, Kamal Tucker,

age 14. He attends Samson Freedan Academy of the Humanities. He is in eighth grade. Also, along with them is the adopted son of one of my workers in Philadelphia. He became jealous and he wanted to come along. His name is Shaheen Hamilton. He is 7 years old, and he is in Logan Elementary School.

I thank you for the opportunity.

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

(Applause.)

RECESS

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

Senator LINCOLN. Mr. President, for purposes of a meeting of the Committee on Rules and Executive Nominations to take place immediately upon the recess, to be followed by a caucus of the Democratic Members of the Senate in the caucus room on the first floor, I would, after giving the opportunity to the Republican floor leader to speak, ask for a recess until approximately 3:45 p.m.

The PRESIDENT. Senator Lincoln has asked for a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a Democratic caucus.

Senator Jubelirer, do you have a similar announcement?

Senator JUBELIRER. Mr. President, I would request that the Members of the Republican Caucus report to the caucus room in the rear of the Senate Chamber immediately upon conclusion of the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to begin immediately, followed by Republican and Democratic caucuses, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

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

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

POINT OF ORDER

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

Senator JUBELIRER. Mr. President, if I may, I would like to raise a point of order at this time on the issue of leaves of absence.

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, will state it.

Senator JUBELIRER. Mr. President, during the request for leave of absence for the gentleman from Philadelphia, Senator Lynch, a leave was, indeed, granted, a legislative leave, and it was assumed that I had a copy of the letter indicating where Senator Lynch was performing his legislative duties today so that he could be voted while not at Session. I did not have such a letter. I just recently received the same, and my point is, if I might at this point raise the issue, if the gentleman from Fayette, Senator Lincoln, would stand for brief interrogation, if that would be appropriate at this time, I think we can resolve the issue.

The PRESIDENT. Will the gentleman from Fayette, Senator Lincoln, permit himself to be interrogated?

Senator LINCOLN. I will, Mr. President.

The PRESIDENT. The gentleman may proceed.

Senator JUBELIRER. Mr. President, the letter directed to the gentleman from Lackawanna, Senator Mellow, and signed by the gentleman from Philadelphia, Senator Lynch, indicates that Senator Lynch was requesting a legislative leave of absence for today's Session of the Senate as there is a meeting of the Holy Innocents senior citizens group in his district. My question to the Majority Leader is, there is no indication that Senator Lynch was attending such a meeting or when it was, and my question is, was Senator Lynch in attendance in his function as a Member of the Senate at the senior citizens luncheon of the Holy Innocents senior citizens group?

Senator LINCOLN. Mr. President, I just spoke to the gentleman from Philadelphia, Senator Lynch, who was in his district office, and he indicated to me that between 2 o'clock and 4 o'clock this afternoon he had meetings not only with this group of senior citizens, but there were several other people who came into his office for prearranged meetings to deal with legislative issues. So, I would answer, yes.

Senator JUBELIRER. Mr. President, I thank the gentleman. That clarifies the rather ambiguous letter that was handed to me after the leave was granted.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln. For what purpose does the gentleman rise?

Senator LINCOLN. Mr. President, in the morass of paper and other information that I seem to always have with me, on this day, at 5:20 p.m., I cannot find a letter from the gentleman from Northumberland, Senator Helfrick, designating the purpose for his legislative leave, and I wonder if there is a letter floating around anywhere that could be of some help to me?

The PRESIDENT. Senator Loeper indicates that he, in fact, does have a letter. Does the gentleman wish to provide that letter or wish to be recognized on the point?

Senator LOEPER. I would like to be recognized, Mr. President.

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

Senator LOEPER. The gentleman from Northumberland, Senator Helfrick, requested legislative leave and indicated in

his letter: "This is to inform you that I will be on legislative leave for today's session. I am attending a Coal Township Prison Dedication in Northumberland County." That is where Senator Helfrick is today, and I will make this copy available to you.

Senator LINCOLN. I think, Mr. President, to point out the foolishness of what we sometimes let ourselves sink to, you know, I could be foolish enough to say, can we call him and find out if he attended? But I believe in the integrity of the Member himself. Even that letter is absolutely no clearer than Senator Lynch's. It does not say anything in there about his participation or attendance, but I think it is clear that there is an attitude in the Senate that is a little bit scary about taking steps that I have never seen in 15 years of questioning whether someone is performing a leave or not, and I am someone who has an attendance record here that is probably as good as anyone's, so I do not have to depend on the leave system for being able to be here when I am not. But I just really have a very serious problem with the type of interrogation that took place between the gentleman from Blair, Senator Jubelirer, and myself, and I think it is foolish for us to put every one of our friends and our fellow Senators into that type of position as to where we may have to track them down at some point in time.

And the issue today bothers me even a little bit more in that the letter, even if it was not delivered to Senator Jubelirer, the fact that it was very clear in the announcement. My request for legislative leave for Senator Lynch was very clear and concise. There were no objections at that particular time, and I am concerned about this only in that I have a very good friend in Senator Bob Jubelirer, who called me and let me know that there were going to be some questions about this because of discussions in the Republican caucus, and I just do not want to have to come back from caucus every day and face the issue of questions being raised about leaves that have already been approved.

I would ask him that if he is going to object, be diligent. And I am aware of the noise that surrounds us. I am not being critical of him. I would ask that during the leave part of this, if someone would keep track of what is going on, and if there are going to be any objections, I sure would appreciate fighting them then rather than 4 1/2 hours after they have been approved.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper. For what purpose does the gentleman rise?

Senator LOEPER. Mr. President, while we are on the issue of leaves, I request a temporary Capitol leave for Senator Mowery.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Mowery. The Chair hears no objection, and that leave will be granted.

Senator JUBELIRER. Mr. President, the Chair has been most gracious in permitting a little discussion. I do not think

it hurts anything to clarify leaves of absence, and I would ask for a little indulgence because I agree with much of what the Majority Leader said. But I think I just need to say, if I may, with his indulgence, the Chair's, and the Members of the Senate, that we do have a leave policy that is written, and I think if we follow that policy on both sides, there will be no problems. That policy provides for writing. He is absolutely correct. I did not hear the leave, neither did the gentleman from Delaware, Senator Loeper. We both tried to watch it at the time, and we did raise it later. We will try to do that at the beginning of the Session, but just as I have indicated to him privately and as I will say on the record, we are going to ask that the leave policy be followed as it has been adopted by COMO. We believe that that is an absolute, at least a minimum, requirement, and our Caucus, we are prepared to be as responsible in providing the same specific answers as to where our Members are on the various leaves, whether they be Capitol leave or legislative leave, because that is the time when a Member can be voted. We recognize that it has been rather loosely done in the past, but I think the notice that we give our friends across the aisle is that we expect it to be adhered to correctly.

The PRESIDENT. The gentleman from Blair and the gentleman from Fayette are correct. The Chair has given an unusual degree of latitude to air this issue out and would also point out that there is specific language in the Senate rules relating to legislative leaves. I would direct the attention of all the leadership to those particular rules, and the Chair will attempt to be as fair as possible in dealing with this difficult situation.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

SB 399 CALLED UP OUT OF ORDER

SB 399 (Pr. No. 422) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 399 (Pr. No. 422) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring public employees who are not members of a collective bargaining unit to contribute a fair share fee; establishing payment, notice, objection and reporting procedures; and imposing penalties.

On the question,

Will the Senate agree to the bill on third consideration?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, will state it.

Senator JUBELIRER. Mr. President, under the rules of the Senate, in Rule XIII, Section 16(b), for a bill to receive final passage, it says, "No bill which may affect revenues or expenditures of the Commonwealth or any political subdivision shall be given third consideration reading on the Calendar until it has been referred to the Committee on Appropriations..." for a fiscal note.

Mr. President, the point I raise is, does not Senate Bill No. 399 affect revenues from local government and, therefore, need to go to the Committee on Appropriations for a fiscal note?

The PRESIDENT. Before the Chair renders an opinion on the subject, the Chair will hear from the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, there is nothing in Senate Bill No. 399 that would ask for an appropriation. All it does is it allows the negotiating unit to negotiate a contract at some prospective date in the future, which would include this particular fair share item.

The PRESIDENT. The Chair, in search of yet further guidance, would recognize the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, this bill does, indeed, impose certain duties upon local government which will require an expenditure of funds by local government and will, therefore, affect revenues. I think this clearly comes under the rule. Again, it was not a rule that we wished to see passed, but it is there and we believe it should be adhered to in the strictest sense.

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

Senator LINCOLN. Mr. President, this bill absolutely does not impose any spending on local government. The regular negotiating process will take place absent this particular act. The act will be there. It will be no different. It will be part of a negotiated contract at some future date for local governments, the same as it is for State government right now for public employees, and I would very strongly oppose any motion or any effort whatsoever to send this bill to the Committee on Appropriations.

The PRESIDENT. As the Members of the Senate know, the Chair strives valiantly to be fair and to subscribe to the rules of the Senate. Senate Rule XIII, Section 16(b), does, in fact, say that no bill that affects revenues or expenditures of the Commonwealth shall be considered for a third time until it has been referred to the Committee on Appropriations. However, upon listening to the colloquy between the gentleman from Blair, Senator Jubelirer, and the gentleman from Fayette, Senator Lincoln, the Chair is convinced that this, in fact, does not call for the expenditure of funds, it has to do with bargaining procedures. That being the case, the Chair tends to agree

with the gentleman from Fayette and would respectfully rule that the gentleman from Blair's objection is out of order.

MOTION TO REREFER BILL

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 399 be rereferred to the Committee on Appropriations.

The PRESIDENT. Senator Jubelirer moves that the bill be rereferred to the Committee on Appropriations.

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

Senator LINCOLN. Mr. President, I would object to that motion and ask for a negative vote.

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

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

YEAS—24

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

NAYS—25

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

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

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

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, I am opposed to Senate Bill No. 399 because of the fact that it extends a principle that is very doubtful wisdom in terms of the employees of our 2,500 local governments in the Commonwealth of Pennsylvania. The number of people affected by this, potentially, is about 300,000, of whom a very small percentage have chosen to join unions to represent them and yet would be forced, under the provisions of this bill, when adopted, to be part of an enforced extraction of their earnings for purposes of which they might not approve. All the local government organizations in this State appeared before many of the members of the Committee on Labor and Industry to tell us in some detail why they oppose Senate Bill No. 399, and that includes the entire local government conference. It includes the county commissioners,

the township supervisors, the Pennsylvania Boroughs Association, the Pennsylvania League of Cities, and, in fact, all local governments included in there, for the reason that they do not wish to be given this task of becoming dues collectors for a third-party organization, something that is very unusual in government and one that they oppose for its fiscal impact, as well as the impact that it would have on their relationships with their employees.

It also raises, Mr. President, a very important question of personal freedom, and that is the right to associate with groups. That is as fundamental a freedom as any American has. There are a number of amendments that are going to be offered at this time, and I would request that the gentleman from Lebanon, Senator Brightbill, be recognized at this time for an amendment.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

BRIGHTBILL AMENDMENT NO. A0652 OFFERED

Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A0652:

Amend Title, page 1, line 3, by inserting after "procedures;" providing for political contributions;

Amend Bill, page 5, by inserting between lines 15 and 16: Section 8. Political contributions.

A candidate for election to a position as an officer of a political subdivision who, as a function of the elected office, will engage in bargaining on behalf of a public employer with an employee organization may not accept contributions from a political action committee of which that employee organization is a member.

Amend Sec. 8, page 5, line 16, by striking out "8" and inserting: 9

Amend Sec. 9, page 6, line 1, by striking out "9" and inserting: 10

Amend Sec. 10, page 6, line 7, by striking out "10" and inserting: 11

Amend Sec. 11, page 6, line 11, by striking out "11" and inserting: 12

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

Senator BRIGHTBILL. Mr. President, amendment A0652 says, very simply, that a candidate for election to a position as an officer of a political subdivision who, as a function of his office, will engage in bargaining on behalf of a public employer with a political organization may not accept contributions from a political action committee of that employee organization. In other words, to expand just very briefly, if someone were running for county commissioner, they could not accept contributions from the political action committee of the union that represented the employees of the county, say it is the sheriff's office or another branch of the county. Obviously, we do not want negotiations going on between people who are beholding to an employee organization and at the same time beholding, supposedly, to the taxpayers.

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

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

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

Senator BELL. Mr. President, will the gentleman from Lebanon, Senator Brightbill, consent to be interrogated?

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

The PRESIDENT. He indicates that he will. The gentleman may proceed.

Senator BELL. Mr. President, does this mean that if a member of PSEA is running for school director, they cannot accept any contributions from the political action committee of PSEA?

Senator BRIGHTBILL. Mr. President, could we stand at ease?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator BRIGHTBILL. Mr. President, unfortunately, no. What it means is that because this act is only directed to municipal employees, it would only impact on people running for municipal office.

Senator BELL. Mr. President, will the gentleman advise me why he did not include legislators and preclude them from taking political contributions from PEG?

Senator BRIGHTBILL. Mr. President, I do not think that would be relevant at this point, but I would add for the gentleman that I did offer this amendment when we passed the act which governs State employees and governs school directors, so, my position there has not changed.

Senator BELL. Mr. President, in other words, I do not have to give back any of the political contributions I received?

Senator BRIGHTBILL. Mr. President, no, sir.

Senator BELL. Mr. President, or that the gentleman from Lebanon received?

Senator BRIGHTBILL. Mr. President, no, sir. Same answer.

Senator BELL. Thank you, Mr. President.

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

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

YEAS—23

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

NAYS—26

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

Bortner	Lincoln	Reibman	Williams
Dawida	Lynch		

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

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

PUNT AMENDMENT NO. A0586 OFFERED

Senator PUNT, by unanimous consent, offered the following amendment No. A0586:

Amend Title, page 1, line 3, by inserting after "procedures;": providing for an exception to payment of a fair share fee;

Amend Sec. 3, page 3, line 4, by striking out "If" and inserting Except as provided in section 6, if

Amend Sec. 3, page 3, line 5, by inserting after "unit": , except a nonmember who makes a declaration under section 6,

Amend Bill, page 5, by inserting between lines 3 and 4: Section 6. Exception.

A public employer shall not be required to deduct the fair share fee from the salary or wages of a nonmember who makes and files with the public employer a declaration that the nonmember does not desire to be represented for any purposes by the exclusive representative.

Amend Sec. 6, page 5, line 4, by striking out "6" and inserting:

Amend Sec. 7, page 5, line 10, by striking out "7" and inserting:

Amend Sec. 8, page 5, line 16, by striking out "8" and inserting:

Amend Sec. 9, page 6, line 1, by striking out "9" and inserting:

Amend Sec. 10, page 6, line 7, by striking out "10" and inserting:

Amend Sec. 11, page 6, line 11, by striking out "11" and inserting:

Amend Sec. 12

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

Senator PUNT. Mr. President, the amendment says: "A public employer shall not be required to deduct the fair share fee from the salary or wages of a nonmember who makes and files with the public employer a declaration that the nonmember does not desire to be represented for any purposes by the exclusive representative."

Mr. President, I offer this amendment based principally upon what was said during the committee meeting several weeks ago. In fact, I believe it was the gentleman from Fayette, Senator Lincoln, who said at the committee meeting that the primary purpose for the legislation is to collect a fee for those nonmembers whom the bargaining unit must represent. If a nonmember would file a grievance against the employer, then the union or the bargaining unit must represent that nonunion member. And I agree with Senator Lincoln, that is not right. The union should not have to represent that nonmember, and this amendment puts it back into the hands of the employee who simply says they choose not to be represented by the union for any purpose whatsoever.

Now, if we are going to do what the union is requesting, that they do not want to represent those nonunion members, then we should support this amendment. If we are saying what we really want is dues or fair fee amounts, then, yes, you want to oppose this amendment. I believe the responsibility and decision should be in the hands of the individual employee within that municipality or political subdivision, and we are, in turn, doing what Senator Lincoln said during the committee meeting. We are not requiring the union to represent that non-member, whether it be a grievance proceeding or collective bargaining.

I would ask for adoption of the amendment. Thank you.

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

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

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

YEAS—23

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

NAYS—26

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

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

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

MADIGAN AMENDMENT NO. A1102 OFFERED

Senator MADIGAN, by unanimous consent, offered the following amendment No. A1102:

Amend Title, page 1, line 3, by inserting after "procedures;": providing for the costs of fair share agreements;

Amend Bill, page 5, by inserting between lines 3 and 4: Section 6. Costs of fair share agreement.

All costs incurred by a public employer to negotiate, implement and administer a fair share agreement shall be borne by the Commonwealth.

Amend Sec. 6, page 5, line 4, by striking out "6" and inserting:

7

Amend Sec. 7, page 5, line 10, by striking out "7" and inserting:

8

Amend Sec. 8, page 5, line 16, by striking out "8" and inserting:

9

Amend Sec. 9, page 6, line 1, by striking out "9" and inserting:

10

Amend Sec. 10, page 6, line 7, by striking out "10" and inserting:

11

Amend Sec. 11, page 6, line 11, by striking out "11" and inserting: 12

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

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

Senator MADIGAN. Mr. President, this merely provides that, "All costs incurred by a public employer to negotiate, implement and administer a fair share agreement shall be borne by the Commonwealth."

As our Majority Leader pointed out earlier, there are no costs to the local governments, so there should be no problem with the Commonwealth assuming any of these prospective costs, of which there are none.

I would urge support, and I find it interesting at this time that we also have on the Calendar a bill which would provide that if we mandate costs to local governments, that we should also provide adequate funding. Certainly, as we look at this, there may not be any costs to local governments, but if there are no costs, then let us pick it up by the Commonwealth and reassure all those local government associations which are opposing this legislation very vehemently that we are really looking out for them and their ability to find the funds to operate the municipalities across this Commonwealth.

I urge an affirmative vote.

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

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

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

YFAS—23

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

NAYS—26

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

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

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

JUBELIRER AMENDMENT NO. A1085 OFFERED

Senator JUBELIRER, by unanimous consent, on behalf of himself and Senator HELFRICK, offered the following amendment No. A1085:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting:

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," repealing provisions relating to fair share fee agreements concerning State and school district employees.

Amend Bill, page 1, lines 7 through 18; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 12, by striking out all of said lines on said pages and inserting:

Section 1. Section 2215 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.
Section 2. This act shall take effect immediately.

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

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

Senator JUBELIRER. Mr. President, what the amendment does is it repeals the act of 1988 which permitted, for the first time, agency shop for State employees and school employees, which certainly is something that I believe, Mr. President, has sent the wrong signal to not only business in Pennsylvania but to the business community across the country which might consider Pennsylvania as a place to locate their particular business, and I would ask for an affirmative vote.

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

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

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

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

YEAS—22

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

NAYS—27

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

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

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

On the question,
Shall the bill pass finally?

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

Senator JUBELIRER. Mr. President, everyone acknowledges that Pennsylvania is in a time of serious economic challenges. Republicans, Democrats, the Governor, the legislature have proclaimed that jobs are a priority. So we should expect and the people should expect that bills brought before this Senate would contribute to fixing economic problems. Unfortunately, what we have in Senate Bill No. 399 is nothing of the sort. It does not create jobs. It does not curb costs. It does not provide a much-needed answer to a key economic concern, save for those serving as local union treasurers. What it does is it passes along another mandate. At the same time, we have on the Calendar a proposed constitutional amendment relating to reining in mandates.

It does send another negative message about what Pennsylvania apparently considers important; that is, artificially building the power of an interest group at the expense of our competitive reputation. It does let people know that amidst the many challenges the State faces, the leadership in the Senate believes a small-time political power grab is a must-do matter. Back home people in our communities are going to ask, what have we done for jobs? Did we resolve the workers' compensation crisis? Did we bring our taxes more in line with competing States? Did we act to cut costs? Sadly, the answer is, no. None of that happened, but the Senate Majority moved to increase the power of some public employee unions.

There is no bargain here for communities or taxpayers. The only free ride is for those who are seeking to gain through law what they cannot win through persuasion or bargaining.

It was wrong when agency shop passed for State employees. It was wrong when education groups were given the power to

push for agency shops. Now we are going to compound that wrong if Senate Bill No. 399 passes. This is not economic development. This is not progress. This is not what the people of this State need us to do. This is the wrong message to send. This is the wrong signal to send as we deal with the most important crisis that this State has faced in the area of workers' compensation particularly.

Until we solve that, until we send the message that this is going to be a job-friendly State, until we are prepared to make our business taxes more reasonable—and perhaps we will have that opportunity today—the signal goes out that Pennsylvania is not going to be very friendly to employers. We should defeat this measure and work on bills that provide economic contributions to Pennsylvania and not send the wrong signal.

Thank you, Mr. President. I would hope that we would not pass this legislation and that Members would think very clearly before they vote to send that kind of signal.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, I would like to just add a few points to the debate prior to the consideration of this bill. One is that this bill amounts to what is a mandate on local governments at a time when almost everyone in this body has expressed themselves by means of an amendment that would prevent additional mandates from being thrust on local governments without the financial means to deal with them, which has just been defeated in the debate here today. I am opposed to extending mandates at a time when we ought to be giving local governments the freedom to operate themselves.

I would like to underline a point that has already been made by the gentleman from Blair, Senator Jubelirer, and that is, if you look at the 14 States that have some form of compulsory unionism, they are not States that are the economically developing States in this Nation. The signal that we send by regressing in the labor area is to continue the advantage that almost every State in the country has over Pennsylvania when it comes to attracting business or keeping the businesses that we have, and it certainly takes away from 300,000 people, potentially, a freedom that is very dear to them.

I would like to point out that the largest class action suit in legal history is still pending on behalf of 18,000 State employees who are appealing their compulsory inclusion in payments to AFSCME, and I think we are inviting the same kind of protest on the part of individuals who believe strongly in their personal freedom on this matter.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

Senator LINCOLN. Mr. President, Senate Bill No. 399 would permit unions representing local government employees to negotiate contracts requiring nonunion members to pay their fair share of the fees. Notice I said it would allow them to negotiate. It does not mandate. It does not do anything else. It says negotiate.

We are not breaking new ground with this legislation. In 1988, we enacted fair share fee legislation for State and public school employees. The law underwent a media attack by the anti-union right-to-work people. It survived challenges that went from the U.S. Middle District Court all the way up to the Supreme Court. The concept of a fair share fee has been upheld as constitutional. The idea is simple: Nonunion members who reap all the benefits won by a collective bargaining unit should not get a free ride. They should pay the costs incurred by a union in negotiating new contracts for pay and benefits.

Senate Bill No. 399, as with the 1988 State law, permits nonunion members who object to fair share fees on religious grounds to pay their fees instead to nonreligious charities of their choice. Also, Senate Bill No. 399 permits nonunion members to challenge the propriety of the fair share fee. The burden will be on the union to prove that the fee is justified, and the cost of the challenge will be borne by the union. The fair share fee paid by a nonunion member will not be equivalent to union dues. The fee would be calculated based on the negotiating costs of the previous year. Money spent by the union for political lobbying or similar activities would not be included in establishing a fair share fee. There is no reason a nonunion member should get a free ride on the backs of union members. That is the concept of this bill, pure and simple.

This concept of fair share fees first emerged in the 1970s when Detroit schoolteachers wanted it in their contract. They were challenged by the right-to-work people. The case went to the U.S. Supreme Court, which in 1978 held that public employees could pay a fair share, but only if the fair share is germane to collective bargaining.

Senate Bill No. 399 uses the Supreme Court's definition in its definition of fair share fee. The Pennsylvania law for State and school employees and this proposed law for local government employees establishes fees based on audits done on the previous year's collective bargaining expenditures. The fee is not imposed as the equivalent of the union dues with deductions to be figured out later, as it is in other States.

Mr. President, this is a good bill and extremely fair to union and nonunion members alike, and I would ask for a positive vote.

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

Senator MOWERY. Mr. President, I would like to express my opposition to this bill.

I am certainly not opposed to unions, because I think that unions have done an awful lot for the working men and women in this country, and I understand that probably it has gone through the courts and probably the courts have decided that it is legal. However, my concern is that there are an awful lot of people who are paying union dues, even though it is not

dues. I understand it is their fair share. But, you know, one of my constituents who is a State employee paid a little over \$600 last year, even though he is not a member of the union. That is \$50 a month, and I think it is asking an awful lot to ask of people who, for whatever reasons their decision is not to belong to the union, must still pay \$50 a month or more. I think it is wrong.

You know, I think we are looking in this country to give our workers a choice, and many of the States today that are right-to-work types of States have found that much of our industry and business are moving to those States. And at a time when I think our number one priority in Pennsylvania is to create jobs for our people, I think we have to think twice as far as what we are doing here today.

You know, one of the large brokerage firms used a commercial, "We do things the old-fashioned way, we work for it." I think unions have a right to work for their membership, and I think that the people who belong to unions today that are not fair share have to work for it. They have to work for their members, and they have to show their members that there is a reason to join the union, and for those reasons, I am opposed to this bill. I think it is going the wrong way and giving the wrong message, because even though this affects our small communities, our small municipalities, I have not received one letter from any of them asking that I support it. They are all against the bill.

So, I would like to hope that we could reconsider some of our thoughts, that we today could take a look at what is right for the workers, for our municipal employees, many of whom have expressed to me, please, Senator Mowery, vote against it. Now, I would hope that we here could consider that and do what is right for the people and for the workers and not what might be right for one particular group.

Thank you very much, Mr. President.

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

Senator BELL. Mr. President, I have in my hands 27 postcards I got today, and they are, all but 3, from my district; the other 3 are from the district of the gentleman from Delaware, Senator Loeper. These postcards, fortunately one of my friends sent me the cover letter and a stack of these postcards—they fold together like an accordion—and he was told in a letter written from Virginia by the National Right to Work headquarters to send these postcards to me to affect my vote on this bill. I do not know how in the name of God a lobbyist in Virginia has the right to tell me what I should do, but they say—and I will not read the whole thing—that this bill would grant union officials the power to force all public employees to pay union dues. This is not a bill to force anybody to pay union dues. This is a fair share bill. It is so that we can stop freeloading, so that people who do belong to unions and do pay dues will not carry the burden for those who take the benefits and freeload.

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

Senator JUBELIRER. Mr. President, I rarely disagree with my distinguished colleague, the gentleman from Delaware, Senator Bell, or take umbrage, but based on the last statement and the statement of the Majority Leader that this is no longer a free ride on the backs of union members, I think the gentleman from Franklin, Senator Punt, clearly offered the solution to that. Had the Punt amendment passed, then that would have been a fair statement. But Senator Punt's amendment would have provided that those members who did not wish to participate would not be represented by the union and would be out of the bargaining unit in any way, shape, whatsoever. They would not have had to do grievances. They would not have had to do anything. It amazes me that that amendment would not have passed, because that has always been the argument, that the people who choose not, of their own free will, to join a union, either the State employees or State teachers union in 1988, or now the local unions, if they choose not to of their own free will, the argument was, well, they were getting the benefit. Senator Punt's amendment would have clearly distinguished that they would not get the benefit. They would not have had the free ride on the backs of the union members. There is no free lunch. They were willing to say, I do not want to pay dues. Do not represent me in grievances or anything else. I want out.

Mr. President, I cannot understand what is wrong with that. If that is not the American way, if they do not have a right to choose, then it is beyond me that they should be forced to have to pay what is called fair share, and those on the other side of this may not call it forced unionism, but, frankly, if it looks like a cow, it smells like a cow, it is a cow, and that is exactly what this is. It is forced unionism, and they are forced to pay those dues. I think if we supported Senator Punt on his amendment, then very well they would have had a legitimate argument.

Mr. President, this is the wrong way to go, and I say it again. I have had letter after letter from small business employers crying out for help, telling me that they are going to be forced to close their doors. Some of them are in my district and some of them are in other districts. There has never been a time in Pennsylvania, with the business tax climate the way it is, with the workers' compensation crisis, that the small business person in this State has had more problems to deal with than they have ever had before, and this puts the icing on the cake for Pennsylvania. The small business person is being told that this is the way we are going to do business in Pennsylvania, that anyone who works for local government is now going to be forced to pay what is called fair share. Well, Mr. President, they can call it what they want, but it is the wrong message. We can take as many positive positions as we want, wherever it is, but Pennsylvania is clearly business unfriendly, and this is the last straw.

Surely, we can do better than passing legislation like this. We need to make a change and perhaps we need to cut some of those business taxes. We need to solve the workers' compensation crisis not with a band-aid but with major surgery, and we certainly do not need to pass legislation like this.

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

Senator ARMSTRONG. And York, Mr. President.

The PRESIDENT. And York as well.

Senator ARMSTRONG. Mr. President, not to belabor the debate, but if unions were such a good deal, we would not have a need for this legislation; people would be lining up to invest their money in their union because they thought it was a good deal. And we hear about dues or fair share or contribution. I mean, what a misnomer. This is nothing but a tax. It is another tax, a union tax on the employees, and we all know that it is nothing more than a political payoff to the unions. It is really un-American. If there is anything un-American, it is forcing something on someone.

I urge a "no" vote on Senate Bill No. 399.

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator PETERSON.

Senator PETERSON. Mr. President, I rise today to oppose this legislation for the following reasons.

My father, with an eighth-grade education, a union steelworker, gave me some of the best advice that I have ever received in my life, and one of them was the simple statement, son, if it is not broke, do not fix it.

Why are we considering this legislation today? I represent probably as many local governments in here as anyone - 10 counties, 160-some local governments. I have had almost no contacts over the years asking me for this legislation. I have had hundreds, if not thousands, of letters opposing this legislation. So why are we doing it? I do not think any Member of this body has been overrun with letters and phone calls saying this is something we must do in Pennsylvania right now, it really should be on the front burner.

We look at the States around us - Illinois, Indiana, Maryland, West Virginia, Virginia, Ohio - States that we compete with every day for good jobs, and they do not have this provision. There are 14 States in this country that do, and all of them have bills in place being considered to repeal it. There is no measure in this country in another State wanting to do this.

So why are we doing it? Less than 46 percent of Pennsylvania's local government employees are currently represented by a union, and of those bargaining units, less than 30 percent of those organized have joined or chosen to join. Less than 30 percent who have the choice today to belong have chosen to. Does that not say something of what the masses want? Does that not say something? If this is such a good deal, who is really going to be helped here?

When we passed agency shop in 1988, who was the winner? We all know that millions and millions went into the coffers of the organizers and not to the benefit of the employees. If you look at the record of the contributions of those who want this legislation, it is obvious that today, when we are beginning the new agenda for change in Pennsylvania, the new agenda for change, it is payday. It is payday in Pennsylvania. We are going to give the opportunity for those who supported

to take in millions and millions and millions more because it is payday.

Does this bill have a positive side for Pennsylvania? No, it does not. Will it help our economy? No, it will not. I have had hundreds of letters from small business people who protested this vehemently. It is a mandate for higher taxes at the local level, and in western Pennsylvania, with the decline of our economy, we have local governments in financial trouble everywhere, and we are going to put another mandate upon them where they will have to, once again, go to the taxpayers for higher taxes.

If we really had an agenda for change for Pennsylvania, we would be dealing with WC - workmen's comp - we would be dealing with business taxes, we would be reining in DER and the bureaucracy that is killing business with needless, foolish, overlapping regulations. But, no, it is payday, and who is going to pay? The citizens of all our small communities, and they are going to pay, and they are going to pay, and they are going to pay, and it is a bad day for local government in Pennsylvania.

LEGISLATIVE LEAVE

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

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

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

And the question recurring,
Shall the bill pass finally?

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

Senator MADIGAN. Mr. President, I would ask one question: Is collective bargaining failing? If not, why are union leaders coming to the legislature and asking us to build their membership and their treasuries? For years, collective bargaining has been a major part of our union movement. Certainly, if their leaders are truly doing their job as leaders for the employees of any organization, whether it be public or private, that membership will support them without the use of mandates from the State legislature. I am disappointed that union leadership has seen fit to take this method. Certainly, as it has been pointed out earlier, there were options to get rid of the freeloaders and not require that, but I believe it is the building of treasuries that is the real thrust of this legislation. I would only ask that you follow the dollars and oppose this legislation.

LEGISLATIVE LEAVE

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

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Mellow, who is in his office.

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Mellow, who is in his office. The Chair hears no objection. That leave 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—26

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

NAYS—23

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

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

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

SB 753 CALLED UP OUT OF ORDER

SB 753 (Pr. No. 816) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 753 (Pr. No. 816) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," requiring all employers to withhold wage taxes levied by cities of the first class.

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Lincoln asks for temporary Capitol leaves for Senator Porterfield, Senator Andrezeski, and Senator Williams. The Chair hears no objection. The leaves will be granted.

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

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

Senator JUBELIRER. Mr. President, given the challenges facing our job climate, we need to debate tax issues more far-reaching than those contained in, I believe, Senate Bill No. 753. The Republican Caucuses and the Democratic Caucuses in both Houses have put forth proposals for cutting taxes to make Pennsylvania more competitive, and, certainly, considering the legislation that was just passed, I think we better do something, and we better do it soon. Good intentions alone are not going to restore this job climate. Action is needed. We cannot win the fight to keep jobs or to attract jobs when our taxes are so high and no steps are taken to lessen the disadvantage. The 1993 tax issues are a key to the budget that will shortly take shape. If we concentrate on spending first, it is doubtful that there will be ultimately the levels of tax reduction needed to boost the economy.

We have amendments drafted, Mr. President, to test the commitment to various tax reductions. Instead of promises and assurances, now we can show Pennsylvanians where we stand on improving the economy, what we support cutting, and by how much. People who are struggling to save jobs or are working overtime to bring in jobs to replace positions lost are tired of the excuses, "now is not the time," or, "we would like to cut taxes, but." Between the improved revenue picture, the flexibility the Clinton administration is giving on Medicaid, and opportunities such as revamping welfare, it is clear that tax relief will be affordable in the next budget.

Our amendments, Mr. President, identify various tax reductions and the budgetary impact of those choices. By approving at least some of these amendments, we will give hope - hope to those who want to see economic sense restored - and put pressure on the House of Representatives to agree or to put on the table their alternatives. We need the dialogue and we need it now. Let us have common sense on taxes and guide spending decisions, rather than have spending decisions once again knock tax relief out of the box.

Once again, Mr. President, considering the action we just took, I think it becomes even more imperative that we send some kind of signal to the small business person out there, to the person who wants to locate in this Commonwealth, who is considering the Commonwealth, the person who wants to stay open, that we are going to do something. I cannot tell you how many people I have had tell me the competition is coming from other States. The governors themselves are calling us in Pennsylvania, taking advantage of the workers' comp crisis, taking advantage of the high business taxes in Pennsylvania, and saying, we have a better place to work. We have a better economy here. Your taxes will be lower. This is what we fight day in and day out, Mr. President, and this is an opportunity to do something about that kind of competition.

Thank you, Mr. President.

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

BRIGHTBILL AMENDMENT NO. A1034 OFFERED

Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A1034:

Amend Title, page 1, line 11, by removing the period after "class" and inserting: ; and providing for the treatment of net operating losses.

Amend Bill, page 5, by inserting between lines 23 and 24:

Section 2. Section 401(3)4. of the act, amended September 9, 1971 (P.L.437, No.105), July 1, 1985 (P.L.78, No.29) and August 4, 1991 (P.L.97, No.22), is amended to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(3) "Taxable income." ***

4. (a) For taxable years beginning in 1982 through taxable years beginning in 1990 and for the taxable year beginning in 1993 and each year thereafter, a net loss deduction shall be allowed from taxable income as arrived at under subclause 1 or, if applicable, subclause 2. For taxable years beginning in 1991 and [thereafter] 1992, the net loss deduction allowed for years prior to 1991 shall be suspended, and no carryover of net losses from taxable years 1988, 1989 and 1990 shall be utilized in calculating net income for the 1991 and 1992 taxable years.

(b) A net loss for a taxable year is the negative amount for said taxable year determined under subclause 1 or, if applicable, subclause 2. Negative amounts under subclause 1 shall be allocated and apportioned in the same manner as positive amounts.

(c) The net loss deduction shall be the lesser of the amount of the net loss or losses which may be carried over to the taxable year or taxable income as determined under subclause 1 or, if applicable, subclause 2. A net loss for a taxable year may only be carried over pursuant to the following schedule:

Taxable Year	Carryover
1981	1 taxable year
1982	2 taxable years
1983 [and thereafter]	3 taxable years
-1987	
<u>1988</u>	<u>2 taxable years</u>
<u>1989</u>	<u>1 taxable year</u>
<u>1990-1991</u>	<u>No loss carryover</u>
<u>1992 and thereafter</u>	<u>3 taxable years</u>

The earliest net loss shall be carried over to the earliest taxable year to which it may be carried under this schedule.

(d) No loss shall be a carryover from a taxable year when the corporation elects to be treated as a Pennsylvania S corporation pursuant to section 307 of Article III of this act to a taxable year when the corporation is subject to the tax imposed under this article.

(e) Paragraph (d) shall not prevent a taxable year when a corporation is a Pennsylvania S corporation from being considered a taxable year for determining the number of taxable years to which a net loss may be a carryover.

(f) For purposes of the net loss deduction, the short taxable year of a corporation, after the revocation or termination of an election to be treated as a Pennsylvania S corporation pursuant to sections 307.3 and 307.4 of Article III of this act, shall be treated as a taxable year.

(g) In the case of a change in ownership by purchase, liquidation, acquisition of stock or reorganization of a corporation in the manner described in section 381 or 382 of the Internal Revenue Code of 1954, as amended, the limitations provided in the Internal Revenue Code with respect to net operating losses shall apply for the purpose

of computing the portion of a net loss carryover recognized under paragraph (3)4(c) of this section. When any acquiring corporation or a transferor corporation participated in the filing of consolidated returns to the Federal Government, the entitlement of the acquiring corporation to the Pennsylvania net loss carryover of the acquiring corporation or the transferor corporation will be determined as if separate returns to the Federal Government had been filed prior to the change in ownership by purchase, liquidation, acquisition of stock or reorganization.

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

(1) The amendment of section 401(3)4 shall take effect July 1, 1993, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, there is no tax that we impose that more directly impacts upon the development or expansion of business than our elimination of the loss carryforward provisions. When a business expands or when a business begins, there are years of losses. Those losses are a result of the financial needs of that business, and the average is 5 years. In other words, it takes approximately 5 years for a new business to develop into a profitable enterprise. What the loss carryforward does is it permits the business to recapture those losses by deducting those losses from the income once the income begins to flow, once there begins to be a profit, once there would otherwise be taxes to pay to this Commonwealth, the business can write off the losses from prior years. That was eliminated by this General Assembly.

The time has come, Mr. President, to reinstate the loss carryforward. This provision is a modest provision because clearly we could go back more than a year or two. We could go back beyond 1992 to recapture losses, and, frankly, I believe we should. But, in any event, we should at least adopt a modest proposal which would permit for 1992 and thereafter a carryover of the losses for 3 taxable years.

This is a modest proposal. It is a compromise proposal, and I would ask for an "aye" vote.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I rise to support the amendment offered by the gentleman from Lebanon, Senator Brightbill.

When you talk to people around this Commonwealth who are either employers or prospective employers or agencies that are involved in job creation and ask them which are the most detrimental aspects of our current Tax Code to the creation of new jobs and the keeping of jobs here in Pennsylvania, almost to the person, each and every one of them will tell you that the elimination of the net operating loss carryforward is, in fact, the biggest negative in Pennsylvania's current corporate tax structure.

I had the opportunity just a few weeks ago to speak with the executive director of Penn's Southwest, an agency which has done a tremendous job in southwestern Pennsylvania in trying to attract new business into our region. Jay Aldridge, the director of Penn's Southwest, told me that without question, the questionnaires they get from prospective employers looking at Pennsylvania and comparing them to Ohio and to Indiana and to West Virginia and to Kentucky and to New York, the States that western Pennsylvania competes against, that one big black mark on that comparison sheet is the fact that we have absolutely no net operating loss carryforward.

Mr. President, I think the proposal offered by Senator Brightbill is a very, very reasonable one. It is one that does not attempt to go all the way back to 1991, but it is one that attempts to look at the future. The loss of revenue as a result of the enactment of this amendment is something which I believe we can easily make up in the budget that is in the process of being shaped. Mr. President, I think without question, if, in fact, we are trying to send the right signal to employers in Pennsylvania and if we want to send the right signal to prospective employers out of State, this is the place to start. This is the place to start when we are looking at our level of spending for the 1993-94 fiscal year, and this is the place to start to say to business all across this country that Pennsylvania is serious about improving the economic climate and job climate in our Commonwealth.

Mr. President, I urge support for the Brightbill amendment.

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

Senator FUMO. Mr. President, I will attempt to address the issue of this particular amendment, as well as the other some 20-odd amendments that the Republicans have seen fit to offer today to this bill, by basically saying that we would all like to lower taxes on everything.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill. For what purpose does the gentleman rise?

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

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I believe there is only one amendment offered, and I would state that the gentleman's position is a mischaracterization of the facts.

Senator FUMO. Mr. President, I was only responding to the comments of the gentleman from Blair, Senator Jubelirer, before the gentleman from Lebanon, Senator Brightbill, got to the microphone, which addressed all of the amendments as a group. He should have objected to Senator Jubelirer. I take offense that he objects only to me.

The PRESIDENT. The Chair thanks the gentleman and would suggest to all that, without question, there will be at least several amendments before us and it probably would be best to get on with the business at hand.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, with all these amendments, there is basically the same answer. We on this side of the aisle would love to see taxes lowered on a myriad of things, not the least of which would even be the personal income tax. Before us today are some 20 amendments that lower everything from the widow's tax to the NOL carryforward, to sales tax on magazines. You name it, they have it. In an attempt to look like they are trying to do something for taxpayers by lowering those taxes, they have taken the opportunity today. I welcome the dialogue, Mr. President. I welcome their endeavor, and I hope that endeavor will be shared when it comes time to cut the budget. But, Mr. President, as I have seen around here, in fact, in particular the year when many of these taxes were enacted, there is an attitude of I do not want to vote for tax increases, but do not cut my program. And I believe that was heard from many Members on both sides of the aisle and from many conservative Members who did not even want to vote for the taxes but still wanted their pet projects funded.

Mr. President, there is a time to address tax reductions. We intend to do that. We intend to do that this year with a particular emphasis on business tax reductions. However, I submit that time is not now and that time will not appear until we are about to do a budget so that we can blend the tax cuts with spending cuts, rather than just do it in a vacuum. For example, this particular amendment costs \$70 million. I have not heard anyone say to me how we should cut \$70 million out of the budget that even Governor Casey talked about, and I have not seen a budget introduced by the Republicans so that we can see how they want to spend money. It is very easy to say, I want to cut, and by the way, I still want to spend. But that was the Ronald Reagan economics of the past 12 years that drove this country into the largest deficit it has ever seen in the history of the Nation. In fact, in the last 12 years they managed to run up more debt than this country had run up in the previous almost 200 years. That is Republican financial methodology.

We on the Democratic side believe in balanced budgets. This year's budget will be balanced, will be passed on time, with or without the cooperation of the other aisle, and it will also include some break for businesses that want to locate in Pennsylvania and are already located in Pennsylvania. I might also add, Mr. President, for those bleeding hearts who feel so strongly about net operating loss carryforward, I think it is a wonderful thing to help out a starting business, but also included in that are losses that you could buy under the previous Federal Tax Code. So, it is not really losses that you have incurred. You just want to buy them for tax breaks. That was part of the Reagan tax plan, too. We do not really want to see it implemented here. We think a lot more thought has to go into these things.

So, for that reason, I would ask for a negative vote, and I would hope my colleagues will be brief so that we can expedite the process, beat down these amendments, pass the bill, and go on with business.

Thank you.

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

Senator LOEPER. Mr. President, as we move forth into the budget season, one thing that I think all of us realize is how important our economy is to Pennsylvania. One thing that we have experienced over the past several years, particularly in the last 3 years, has been a loss of jobs in Pennsylvania because we are noncompetitive with our surrounding States because of our business tax structure, and last year, as part of the budget, we were in a position where we did reduce personal taxes, but yet we did nothing as far as our business climate in trying to create jobs and preserve jobs in the Commonwealth. This year, since the Governor presented his budget message to the General Assembly, our Appropriations staff indicates to us that we can expect a surplus at the end of June 30, a surplus in the amount approaching over \$300 million. That is a surplus that, in my view, should not be used for new spending, Mr. President, but rather to improve our economic climate, to create and preserve jobs in the Commonwealth. We believe that there is a responsible approach in order to do that. We believe that each amendment that is going to be offered here today is a key in that process, that we move forward to restore Pennsylvania's business climate to one that is competitive with our surrounding States in order that we can keep jobs here in Pennsylvania and keep Pennsylvania working.

Mr. President, I would ask for an affirmative vote on the amendment.

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

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

YEAS—24

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

NAYS—25

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

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

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

ARMSTRONG AMENDMENT NO. A0959 OFFERED

Senator ARMSTRONG, by unanimous consent, offered the following amendment No. A0959:

Amend Title, page 1, line 11, by removing the period after "class" and inserting: ; exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making editorial changes.

Amend Bill, page 5, line 24, by striking out all of said line and inserting:

Section 2. Section 2107 of the act is amended by adding a subsection to read:

Section 2107. Transfers Subject to Tax.—* * *

(d) All succeeding interests which follow the interest of a surviving spouse in a trust or similar arrangement, to the extent specified in section 2113, are transfers subject to tax as if the surviving spouse were the transferor.

Section 3. Sections 2108(b) and 2111(k) and (m) of the act, added August 4, 1991 (P.L.97, No.22), are amended to read:

Section 2108. Joint Tenancy.—* * *

(b) [Except as provided in subsection (c), this] This section shall not apply to property and interests in property passing by right of survivorship to the survivor of husband and wife.

* * *

Section 2111. Transfers Not Subject to Tax.—* * *

(k) Property subject to a power of appointment, whether or not the power is exercised, and notwithstanding any blending of such property with the property of the donee, is exempt from inheritance tax in the estate of the donee of the power of appointment, except as provided in section 2113.

* * *

(m) Transfers of property to or for the use of a husband or wife of the decedent are exempt from inheritance tax. Property owned by husband and wife with right of survivorship is exempt from inheritance tax. [If the ownership was created within the meaning of section 2107(c)(3), the entire interest transferred shall be subject to tax under section 2107(c)(3) as though a part of the estate of the spouse who created the co-ownership.]

* * *

Section 4. Section 2112 of the act is amended by adding a subsection to read:

Section 2112. Exemption for Poverty.—* * *

(f) The credit provided in this section shall not be greater than the tax imposed.

Section 5. The act is amended by adding a section to read:

Section 2113. Trusts and Similar Arrangements for Spouses.—In the case of a transfer of property for the sole use of the transferor's surviving spouse during the surviving spouse's lifetime, all succeeding interests which follow the interest of the surviving spouse shall not be subject to tax as transfers by the transferor, but rather shall be deemed to be transfers subject to tax by the surviving spouse of the property held in the trust or similar arrangement at the death of the surviving spouse. The succeeding interests shall be valued at the death of the surviving spouse and taxed at the tax rates applicable to dispositions by the surviving spouse. Any exemption from tax based upon the kind or location of property shall be based upon the kind or location of property held in the trust or similar arrangement at the surviving spouse's death.

Section 6. Section 2116(a) and (e) of the act, added August 4, 1991 (P.L.97, No.22), are amended and the section is amended by adding a subsection to read:

Section 2116. Inheritance Tax.—(a) (1) Inheritance tax upon the transfer of property passing to or for the use of any of the following shall be at the rate of six per cent:

(i) grandfather, grandmother, father, mother[, husband, wife] and lineal descendants; or

(ii) wife or widow and husband or widower of a child.
(1.1) Inheritance tax upon the transfer of property passing to or for the use of a husband or wife shall be:

(i) At the rate of five per cent for estates of decedents dying on or after January 1, 1994, and before January 1, 1995.

(ii) At the rate of four per cent for estates of decedents dying on or after January 1, 1995, and before January 1, 1996.

(iii) At the rate of three per cent for estates of decedents dying on or after January 1, 1996, and before January 1, 1997.

(iv) At the rate of two per cent for estates of decedents dying on or after January 1, 1997, and before January 1, 1998.

(v) At the rate of one per cent for estates of decedents dying on or after January 1, 1998, and before January 1, 1999.

(2) Inheritance tax upon the transfer of property passing to or for the use of all persons other than those designated in subclause (1) or (1.1) or exempt under section 2111(m) shall be at the rate of fifteen per cent.

(3) When property passes to or for the use of a husband and wife with right of survivorship, one of whom is taxable at a rate lower than the other, the lower rate of tax shall be applied to the entire interest.

* * *

(b.1) The inheritance tax due upon the transfer of property passing to or for the use of a husband or wife shall be the lesser of the tax imposed under subsection (a)(1.1) or the tax due after the allowance of the credit provided in section 2112.

* * *

(e) If the rate of tax which will be applicable when [a future] an interest vests in possession and enjoyment cannot be established with certainty, the department, after consideration of relevant actuarial factors, valuations and other pertinent circumstances, may enter into an agreement with the person responsible for payment to establish a specified amount of tax which, when paid within sixty days after the agreement, shall constitute full payment of all tax otherwise due upon such transfer. Rights of withdrawal of a surviving spouse not exercised within nine months of the transferor's death shall be ignored in making such calculations.

* * *

Section 7. Section 2130(1) and (2) of the act, added August 4, 1991 (P.L.97, No.22), are amended to read:

Section 2130. Deductions Not Allowed.—The following are not deductible:

[(1) The value of assets claimed for the spouse's allowance under 20 Pa.C.S. § 2102 (relating to share of surviving spouse).]

(2) Claims of a former [or surviving] spouse, or others, under an agreement between the former [or surviving] spouse and the decedent, insofar as they arise in consideration of a relinquishment or promised relinquishment of marital or support rights.

* * *

Section 8. Section 2144 of the act is amended by adding a subsection to read:

Section 2144. Source of Payment.—* * *

(e.1) In the absence of a contrary intent appearing in the instrument creating the trust or similar arrangement and in the absence of a contrary direction by the surviving spouse, the inheritance tax, including interest, due at the death of a surviving spouse with respect to a trust or similar arrangement to which section 2113 is applicable shall be paid out of the principal of the trust or similar arrangement. The payment shall be made by the trustee or other fiduciary in possession of the property and, if not so paid, shall be made by the transferee of such principal.

* * *

Section 9. This act shall apply as follows:

(1) The amendment or addition of sections 2112(f) and 2116(a), (b.1) and (e) shall apply to the estates of all decedents dying on or after January 1, 1994, and to inter vivos transfers made by decedents dying on or after January 1, 1994, regardless of the date of the transfer.

(2) The remainder of this act shall apply to the estates of decedents dying on or after January 1, 1999, and to inter vivos transfers made by decedents dying on or after January 1, 1999, regardless of the date of the transfer.

Section 10. This act shall take effect as follows:

(1) The amendments affecting section 359 of the act shall take effect immediately.

(2) The remainder of the act shall take effect January 1, 1994.

On the question,

Will the Senate agree to the amendment?

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

Senator ARMSTRONG. Mr. President, to keep it brief, and for the gentleman from Philadelphia, Senator Fumo, to follow, this is the widow's tax that he referred to earlier.

I think the longer we delay in changing the law, the more we are hurting Pennsylvanians. I think this bill passed almost unanimously probably several times, if I am not mistaken, and I believe it also passed the House.

I just want to relate to you one typical example. In my district, I had a young lady in her midthirties who was the wife of a farmer, and little did she know that her husband had purchased a good bit of farm equipment in his name only. He was tragically killed in a farm accident, and she had to come up with \$6,000 to pay taxes on equipment that he had purchased. She did not have the money at that time and she had to actually sell off equipment at a time when she could not afford it.

I think the longer we do this, the more we are hurting Pennsylvanians, and I urge its adoption, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—24

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

NAYS—25

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, would you recognize Senator Hart?

The PRESIDENT. The Chair is pleased to recognize the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I am pleased to join my colleagues in doing the right thing today as we choose not to follow the lead of those in Washington who believe that jobs can be created by government and government should grow in order to spur our economy. I believe, as well as I think most of my colleagues do, that jobs will come from the private sector, and since we passed some taxes a couple of years ago, we have seen a continuing decline of job creation in the private sector. For some reason, we still seem to be wondering why. I think one major mistake that was made in 1991 was the passage of the computer services tax. Apparently, I do have some colleagues who agree that that was a grave error. As we have seen Senate Bill No. 987 introduced this Session—

POINT OF ORDER

Senator FUMO. Mr. President, point of order.

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

Senator FUMO. Mr. President, just a question. Does the Senator have an amendment she wants to introduce that she is talking about? If I could just have the number, it would help.

The PRESIDENT. The gentleman's point is intriguing. I assumed that the gentlewoman was getting to the amendment.

Senator HART. Mr. President, I am getting to that.

The PRESIDENT. The Chair appreciates the point raised by the gentleman from Philadelphia, Senator Fumo, and suggests to the gentlewoman from Allegheny, Senator Hart, that the amendment ought to be presented if she is debating her amendment. If she is debating the bill on third consideration, her remarks are in order.

POINT OF ORDER

Senator JUBELIRER. Mr. President, point of order.

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, will state his point.

Senator JUBELIRER. Mr. President, I think it has really been commonplace in this body for Members to make prefatory remarks prior to introducing the amendment, and if that is not strictly to the letter of the rule, it certainly has been common practice in this body, and I would ask that the Chair indulge the gentlewoman from Allegheny, Senator Hart, because I think, frankly, she has really done nothing that any other Member of this body has not done for as many years as I have been here.

The PRESIDENT. The Chair thanks the gentleman from Blair, Senator Jubelirer, but would respectfully disagree. It is really rather unusual not to present the amendment and then discuss it. However, the Chair is willing to allow some latitude, in the spirit of moving forward with the business before us, and the Chair now understands that the gentlewoman from Allegheny, Senator Hart, asks unanimous consent to offer an amendment.

HART AMENDMENT NO. A1020 OFFERED

Senator HART, by unanimous consent, offered the following amendment No. A1020:

Amend Title, page 1, line 10, by inserting after "penalties,": repealing certain provisions imposing sales and use tax on computer programming services, computer-integrated systems design services, computer processing, data preparation or processing services, information retrieval services, computer facilities management services or other computer-related services; and

Amend Bill, page 1, by inserting between lines 13 and 14:

Section 1. Section 201(k), (o), (dd), (ee), (ff), (gg), (hh) and (ii) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended or added August 4, 1991 (P.L.97, No.22) and December 13, 1991 (P.L.373, No.40), are amended to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(k) "Sale at retail."

(1) Any transfer, for a consideration, of the ownership, custody or possession of tangible personal property, including the grant of a license to use or consume whether such transfer be absolute or conditional and by whatsoever means the same shall have been effected.

(2) The rendition of the service of printing or imprinting of tangible personal property for a consideration for persons who furnish, either directly or indirectly the materials used in the printing or imprinting.

(3) The rendition for a consideration of the service of—

(i) Washing, cleaning, waxing, polishing or lubricating of motor vehicles of another, whether or not any tangible personal property is transferred in conjunction therewith; and

(ii) Inspecting motor vehicles pursuant to the mandatory requirements of "The Vehicle Code."

(4) The rendition for a consideration of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property other than wearing apparel or shoes, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property except wearing apparel or shoes for a consideration, whether or not the services are performed directly or by any means other than by coin-operated self-service laundry equipment for wearing apparel or household goods and whether or not any tangible personal property is transferred in conjunction therewith, except such services as are rendered in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such services in the preparation for sale of new items which are excluded from the tax under clause (26) of section 204, or upon diaper service.

(8) Any retention of possession, custody or a license to use or consume tangible personal property or any further obtaining of services described in subclauses (2), (3) and (4) of this clause pursuant to a rental or service contract or other arrangement (other than as security).

The term "sale at retail" shall not include (i) any such transfer of tangible personal property or rendition of services for the purpose of resale, or (ii) such rendition of services or the transfer of tangible personal property including, but not limited to, machinery and equipment and parts therefor and supplies to be used or consumed by the purchaser directly in the operations of—

(A) The manufacture of tangible personal property;

(B) Farming, dairying, agriculture, horticulture or floriculture when engaged in as a business enterprise. The term "farming" shall include the propagation and raising of ranch raised fur-bearing animals and the propagation of game birds for commercial purposes

by holders of propagation permits issued under 34 Pa.C.S. (relating to game);

(C) The producing, delivering or rendering of a public utility service, or in constructing, reconstructing, remodeling, repairing or maintaining the facilities which are directly used in producing, delivering or rendering such service;

(D) Processing as defined in clause (d) of this section.

The exclusions provided in paragraphs (A), (B), (C) and (D) shall not apply to any vehicle required to be registered under The Vehicle Code, except those vehicles used directly by a public utility engaged in business as a common carrier; to maintenance facilities; or to materials, supplies or equipment to be used or consumed in the construction, reconstruction, remodeling, repair or maintenance of real estate other than directly used machinery, equipment, parts or foundations therefor that may be affixed to such real estate.

The exclusions provided in paragraphs (A), (B), (C) and (D) shall not apply to tangible personal property or services to be used or consumed in managerial sales or other nonoperational activities, nor to the purchase or use of tangible personal property or services by any person other than the person directly using the same in the operations described in paragraphs (A), (B), (C) and (D) herein.

The exclusion provided in paragraph (C) shall not apply to (i) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain facilities not used directly by the purchaser in the production, delivering or rendition of public utility service, (ii) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain a building, road or similar structure, or (iii) tools and equipment used but not installed in the maintenance of facilities used directly in the production, delivering or rendition of a public utility service.

The exclusions provided in paragraphs (A), (B), (C) and (D) shall not apply to the services enumerated in clauses (k)(11) through (18) and (w) through (kk), except that the exclusion provided in this subclause for farming, dairying and agriculture shall apply to the service enumerated in clause (z).

(9) Where tangible personal property or services are utilized for purposes constituting a "sale at retail" and for purposes excluded from the definition of "sale at retail," it shall be presumed that such tangible personal property or services are utilized for purposes constituting a "sale at retail" and subject to tax unless the user thereof proves to the department that the predominant purposes for which such tangible personal property or services are utilized do not constitute a "sale at retail."

(10) The term "sale at retail" with respect to "liquor" and "malt or brewed beverages" shall include the sale of "liquor" by any "Pennsylvania liquor store" to any person for any purpose, and the sale of "malt or brewed beverages" by a "manufacturer of malt or brewed beverages," "distributor" or "importing distributor" to any person for any purpose, except sales by a "manufacturer of malt or brewed beverages" to a "distributor" or "importing distributor" or sales by an "importing distributor" to a "distributor" within the meaning of the "Liquor Code." The term "sale at retail" shall not include any sale of "malt or brewed beverages" by a "retail dispenser" or any sale of "liquor" or "malt or brewed beverages" by a person holding a "retail liquor license" within the meaning of and pursuant to the provisions of the "Liquor Code," but shall include any sale of "liquor" or "malt or brewed beverages" other than pursuant to the provisions of the "Liquor Code."

(11) The rendition for a consideration of lobbying services.

(12) The rendition for a consideration of adjustment services, collection services or credit reporting services.

(13) The rendition for a consideration of secretarial or editing services.

(14) The rendition for a consideration of disinfecting or pest control services, building maintenance or cleaning services.

(15) The rendition for a consideration of employment agency services or help supply services.

(16) The rendition for a consideration of computer programming services; computer-integrated systems design services; computer

processing, data preparation or processing services; information retrieval services; computer facilities management services; or other computer-related services. At a minimum, such services shall not include services that are part of electronic fund transfers, electronic financial transactions or services, banking or trust services, or management or administrative services, including transfer agency, shareholder, custodial and portfolio accounting services, provided directly to any entity that duly qualifies to be taxed as a regulated investment company or a real estate investment trust under the provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or to an entity that provides such services to an entity so qualifying.]

(17) The rendition for a consideration of lawn care service.

(18) The rendition for a consideration of self-storage service.

* * *

(o) "Use."

(1) The exercise of any right or power incidental to the ownership, custody or possession of tangible personal property and shall include, but not be limited to transportation, storage or consumption.

(2) The obtaining by a purchaser of the service of printing or imprinting of tangible personal property when such purchaser furnishes, either directly or indirectly, the articles used in the printing or imprinting.

(3) The obtaining by a purchaser of the services of (i) washing, cleaning, waxing, polishing or lubricating of motor vehicles whether or not any tangible personal property is transferred to the purchaser in conjunction with such services, and (ii) inspecting motor vehicles pursuant to the mandatory requirements of "The Vehicle Code."

(4) The obtaining by a purchaser of the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning tangible personal property other than wearing apparel or shoes or applying or installing tangible personal property as a repair or replacement part of other tangible personal property other than wearing apparel or shoes, whether or not the services are performed directly or by any means other than by means of coin-operated self-service laundry equipment for wearing apparel or household goods, and whether or not any tangible personal property is transferred to the purchaser in conjunction therewith, except such services as are obtained in the construction, reconstruction, remodeling, repair or maintenance of real estate: Provided, however, That this subclause shall not be deemed to impose tax upon such services in the preparation for sale of new items which are excluded from the tax under clause (26) of section 204, or upon diaper service: And provided further, That the term "use" shall not include—

(A) Any tangible personal property acquired and kept, retained or over which power is exercised within this Commonwealth on which the taxing of the storage, use or other consumption thereof is expressly prohibited by the Constitution of the United States or which is excluded from tax under other provisions of this article.

(B) The use or consumption of tangible personal property, including but not limited to machinery and equipment and parts therefor, and supplies or the obtaining of the services described in subclauses (2), (3) and (4) of this clause directly in the operations of—

(i) The manufacture of tangible personal property;

(ii) Farming, dairying, agriculture, horticulture or floriculture when engaged in as a business enterprise. The term "farming" shall include the propagation and raising of ranch-raised furbearing animals and the propagation of game birds for commercial purposes by holders of propagation permits issued under 34 Pa.C.S. (relating to game);

(iii) The producing, delivering or rendering of a public utility service, or in constructing, reconstructing, remodeling, repairing or maintaining the facilities which are directly used in producing delivering or rendering such service;

(iv) Processing as defined in subclause (d) of this section.

The exclusions provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to any vehicle required to be registered under The Vehicle Code except those vehicles directly used by a public utility

engaged in the business as a common carrier; to maintenance facilities; or to materials, supplies or equipment to be used or consumed in the construction, reconstruction, remodeling, repair or maintenance of real estate other than directly used machinery, equipment, parts or foundations therefor that may be affixed to such real estate. The exclusions provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to tangible personal property or services to be used or consumed in managerial sales or other nonoperational activities, nor to the purchase or use of tangible personal property or services by any person other than the person directly using the same in the operations described in subparagraphs (i), (ii), (iii) and (iv).

The exclusion provided in subparagraph (iii) shall not apply to (A) construction materials, supplies or equipment used to construct, reconstruct, remodel, repair or maintain facilities not used directly by the purchaser in the production, delivering or rendition of public utility service or (B) tools and equipment used but not installed in the maintenance of facilities used directly in the production, delivering or rendition of a public utility service.

The exclusion provided in subparagraphs (i), (ii), (iii) and (iv) shall not apply to the services enumerated in clauses (o)(9) through (16) and (w) through (kk), except that the exclusion provided in subparagraph (ii) for farming, dairying and agriculture shall apply to the service enumerated in clause (z).

(5) Where tangible personal property or services are utilized for purposes constituting a "use," as herein defined, and for purposes excluded from the definition of "use," it shall be presumed that such property or services are utilized for purposes constituting a "sale at retail" and subject to tax unless the user thereof proves to the department that the predominant purposes for which such property or services are utilized do not constitute a "sale at retail."

(6) The term "use" with respect to "liquor" and "malt or brewed beverages" shall include the purchase of "liquor" from any "Pennsylvania liquor store" by any person for any purpose and the purchase of "malt or brewed beverages" from a "manufacturer of malt or brewed beverages," "distributor" or "importing distributor" by any person for any purpose, except purchases from a "manufacturer of malt or brewed beverages" by a "distributor" or "importing distributor," or purchases from an "importing distributor" by a "distributor" within the meaning of the "Liquor Code." The term "use" shall not include any purchase of "malt or brewed beverages" from a "retail dispenser" or any purchase of "liquor" or "malt or brewed beverages" from a person holding a "retail liquor license" within the meaning of and pursuant to the provisions of the "Liquor Code," but shall include the exercise of any right or power incidental to the ownership, custody or possession of "liquor" or "malt or brewed beverages" obtained by the person exercising such right or power in any manner other than pursuant to the provisions of the "Liquor Code."

(7) The use of tangible personal property purchased at retail upon which the services described in subclauses (2), (3) and (4) of this clause have been performed shall be deemed to be a use of said services by the person using said property.

(8) The term "use" shall not include the providing of a motor vehicle to a nonprofit private or public school to be used by such a school for the sole purpose of driver education.

(9) The obtaining by the purchaser of lobbying services.

(10) The obtaining by the purchaser of adjustment services, collection services or credit reporting services.

(11) The obtaining by the purchaser of secretarial or editing services.

(12) The obtaining by the purchaser of disinfecting or pest control services, building maintenance or cleaning services.

(13) The obtaining by the purchaser of employment agency services or help supply services.

[(14) The obtaining by the purchaser of computer programming services; computer-integrated systems design services; computer processing, data preparation or processing services; information retrieval services; computer facilities management services; or other computer-related services. At a minimum, such services shall not include

services that are part of electronic fund transfers, electronic financial transactions or services, banking or trust services, or management or administrative services, including transfer agency, shareholder, custodial and portfolio accounting services, provided directly to any entity that duly qualifies to be taxed as a regulated investment company or a real estate investment trust under the provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or to an entity that provides such services to an entity so qualifying.]

(15) The obtaining by the purchaser of lawn care service.

(16) The obtaining by the purchaser of self-storage service.

[(dd) "Computer programming services." Providing computer programming or computer software design and analysis. Such services include, but are not limited to, services of the type provided by or through computer programming services, customer computer programming services, computer code authors and free-lance computer software writers, software modification, custom software programming, custom computer programs or system software development, custom computer software systems analysis and design, custom applications software programming, computer code authors or free-lance computer software writers.

(ee) "Computer integrated systems design." Developing or modifying computer software and packaging or bundling the software with computer hardware (computers and computer peripheral equipment) to create and market an integrated system for specific application. A business is providing such services under this clause only if it provides each of the following services:

(1) the development or modification of the computer software;

(2) the marketing of computer hardware; and

(3) involvement in all phases of systems development from design through installation.

Such services under this clause include, but are not limited to, computer systems integration, computer network systems integration, local area network (LAN) systems integration, office automation, computer systems value-added resellers, computer systems turnkey vendors, computer-aided design (CAD) systems services, computer-aided engineering (CAE) systems services or computer-aided manufacturing (CAM) systems services.

(ff) "Computer processing, data preparation or processing services." Such services include, but are not limited to, providing processing and preparation of reports from data supplied by the customer or a specialized service, such as data entry; making data processing equipment available on an hourly, time-sharing or other basis; computer timesharing and leasing or rental of computer time; computer tabulating and calculating services; data entry, processing or verification services; keypunch services; or optical scanning data services.

(gg) "Information retrieval services." Providing computer on-line information retrieval services. Such services include, but are not limited to, data base information retrieval services, on-line information retrieval services, on-line data base information retrieval services or remote data base information retrieval services.

(hh) "Computer facilities management services." Providing onsite management or controlling the operation of data processing facilities or similar services.

(ii) "Other computer-related services." Supplying computer-related services not described elsewhere in clauses (dd) through (hh). Such services include, but are not limited to, computer consulting services; data base development and data processing consulting services; disk, diskette or tape conversion services; disk, diskette or tape recertification services; computer hardware and software requirement analysis services; software documentation services; software installation services; software training services if provided in conjunction with the purchase of software; or reformatting or editing services.]

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting:

Amend Sec. 1, page 1, lines 14 and 15, by striking out "of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971"

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

(1) The amendment of section 201(k), (o), (dd), (ee), (ff), (gg), (hh) and (ii) of the act shall take effect July 1, 1993, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart and calls upon her for her remarks.

Senator HART. Mr. President, as I explained in my prefatory remarks to the introduction of the amendment, it is an amendment which does the same thing as Senate Bill No. 987, which was introduced by the gentleman from Allegheny, Senator Dawida, this Session. As the Senator from Allegheny County, Senator Dawida, and my other colleagues from Allegheny County are well aware, in an area of Pennsylvania where our economy is going through a very difficult period, the one ray of light has been the high-tech industry and the computer services industry. We have seen about 25 percent of that industry in the Commonwealth spring up in Allegheny County. However, this tax is stagnating a very vital industry.

Mr. President, I have seen small businesses which started in our area already leave the Commonwealth. In fact, one in the same building where my district office is has already left for West Virginia. Unfortunately, it is too late to save some of these companies. At a time when our priority should be attracting those businesses, I think it is imperative that we move as quickly as possible to restore some freedom to those individuals who wish to start companies in the Commonwealth. Small businesses have been shown to be the biggest creators of new jobs. Many high-tech companies are very small. They are easy to start, but they are also very easy to move across State lines.

Mr. President, I would urge my colleagues to join me in adopting this amendment to repeal this tax that not only drives jobs out of the Commonwealth but has also been reducing revenues in other ways, through corporate net income tax and other taxes.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I rise to support this amendment. I will try to be brief, but it is difficult when so much needs to be said about this issue. I think we were asked a few moments ago—and I am going to fend bipartisanly here—to trust eight people to work this all out and decide which taxes need to be cut to help business in Pennsylvania when they do the budget. Well, that is what happened, and that is why we are in trouble. I do not think anybody contemplated this tax. I know they did not contemplate the annuity tax. They did not contemplate the loss carryforward provision which was here earlier. But it was like playing cards and whatever added up to the right amount, because I believe if any study had been

done, if any thought had been given, if any experts in this country on taxes and growth had been asked, they would have said, do not tax something you want more of. And if we want our small companies to be competitive, we want them to computerize. We want them to bring in the best of computers and the best of programs and get into the 20th century.

Now, what business is easier to move than a room full of computers? You can have a huge computer business today in a very small room. They can put them on one small truck and move them across the State and provide the same service to the same customers via the telephone lines as they can in Pennsylvania. Those who are going to make the decision, I wish they were listening. Those who are going to make the decision in a few months, if they had been thinking about the future of jobs in Pennsylvania, this tax would not have been a part of the package, because everyone has told me that to tax computer services was very, very poor judgment.

So I urge my colleagues today on both sides of the aisle that I think it is time we speak and tell the big eight, or whomsoever they are, what we support, and how can we better do that and make it a vote here today for jobs and growth in Pennsylvania and do away with this computer tax, which was one of the worst parts of a bad package. I urge the Members today to stand up for what they believe, not for just what a few leaders want.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—24

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

NAYS—25

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, the last speaker said that the tax that he sought to repeal was the worst of a bad package. I think there is a good contest between which of the vari-

ous components of that package were the worst, but certainly one of them was the 2-percent annuity tax, for which I now ask unanimous consent to offer a repeal amendment.

BAKER AMENDMENT NO. 1021 OFFERED

Senator BAKER, by unanimous consent, offered the following amendment No. A1021:

Amend Title, page 1, line 11, by removing the period after "class" and inserting: ; and further providing for the taxation of insurance premiums and annuity considerations.

Amend Bill, page 5, by inserting between lines 23 and 24:

Section 2. Sections 902 and 903 of the act, amended August 4, 1991 (P.L.97, No.22), are amended to read:

Section 902. (a) Imposition of Tax.—Every insurance company, as herein defined, transacting business in the Commonwealth of Pennsylvania, shall pay to the department, a tax at the rate of two per cent of the gross premiums [and annuity considerations] received from business done within this Commonwealth during each calendar year, except that any insurance company which was not subject to this tax prior to 1971 shall be taxed at the rate of one per cent for the year 1971 and thereafter at the rate of two per cent.

(b) Disposition of Taxes.—

(1) The taxes paid by foreign fire insurance companies under this act shall continue to be distributed and used for firemen's relief pension or retirement purposes, as provided by section two of the act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 408), as amended; and the taxes paid by foreign casualty insurance companies under this act shall continue to be distributed and used for police pension, retirement or disability purposes as provided by the act, approved the twelfth day of May, one thousand nine hundred forty-three (Pamphlet Laws 259), as amended.

(2) All other taxes received under this act shall be credited to the General Fund for general revenue purposes.

Section 903. Annual Report.—Every insurance company shall make a report to the department on a form prescribed by it on or before April 15 of each year, showing the gross premiums [and annuity considerations] received from business transacted in the Commonwealth during the year ending December 31 preceding. When making such report, the insurance company shall compute and pay to the Commonwealth the tax upon the gross premiums [and annuity considerations] received from business transacted within this Commonwealth during such preceding year.

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

(1) The amendment of sections 902 and 903 of the act shall take effect July 1, 1993, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, this particular inclusion in the tax package of 2 years ago hurt senior citizens and also those in long-term care, who are the primary investors in the 2-percent annuity. The annuity is a method that is relatively prudent and conservative as opposed to many of the alternatives like CDs, stocks and bonds, et cetera, which now have an unlevel playing field as opposed to the annuity, which helps

senior citizens in Pennsylvania. I might add that the AARP supports the repeal of this provision, as does the Pennsylvania Retired State Employees Association, for obvious reasons.

We have driven insurance business out of this State, and in line with some of the comments of those who have spoken previously on this package, it is obvious that this is just one of the provisions that has tended to make it harder for business to prosper in Pennsylvania. Jobs are what we need in Pennsylvania, and, therefore, we need to consider seriously which aspects of our tax package should be changed.

There are companies that have moved out of Pennsylvania because of the annuity tax, and it has been documented. I even have letters from companies that have stated they have moved out of Pennsylvania for their insurance operations because of this tax. A most objectionable feature of it is that it demands retaliation. There are 17 other States that now tax Pennsylvania annuities because we put in this 2-percent annuity tax, and, therefore, it can be argued that this is a counterproductive tax. It lessens the revenues for senior citizens who have investments. It lessens the revenue and income of companies that sell annuities, and it also reduces taxes to the Commonwealth of Pennsylvania because it reduces that income. So, this is a terribly counterproductive tax that ought to be repealed, and I ask for support for this amendment.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I will be very brief; not quite as brief as you would like, but very brief.

Today, would we pass a tax on savings accounts? Absolutely not, because that is bad public policy. Would we pass a tax on CD certificates? Absolutely not, because our senior citizens and all of us would be furious. Would we pass a tax on money market funds? Absolutely not. Treasury bills? Of course not.

We were told that we were taxing insurance companies. Now, anybody who knows very much about annuities knows that is not true. The gentleman from Chester, Senator Baker, has explained it very well. We have taken one of the five vehicles that are available to most people who are trying to save for college, save for retirement - annuities, which is one of the major means of saving money - and we put a tax on it. Does that make good public policy sense? No. Does it put our insurance companies that sell them in a bad competitive position? You bet it does. It drives jobs out of this State. It makes our annuities more costly.

The annuities that are being sold to us today have less revenue coming to us, less income coming to us, because the tax has to be paid first. It is part of the cost of the annuity. We have taxed the people who are saving. Do we save enough money in this country? No. Do we save enough money in Pennsylvania? No. That is one of the problems with this country. We do not save. We are taxing savings, and when you tax savings, you are going to have less of it. It is also one of the worst. Like I said, it is a tossup of which two or three of these are the worst, but taxing annuities makes no public policy sense and it discourages savings.

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, when we look at the entire package of tax relief that we are talking about today, I think this is probably the one that was passed on that midnight eve so long ago that, as the gentleman from Venango, Senator Peterson, said, absolutely does not make sense.

Like the luxury tax that the Congress of the United States wanted to pass on boat owners to get all of those rich boat owners and they destroyed an industry, we are in the process of destroying another industry. I have a small insurance company in my district which is a Pennsylvania insurance company located less than a mile from Ohio, the Protected Home Mutual Life Insurance Company, and much of their business was in the nonqualified annuities. Is it rich people who buy those products? The answer is, no. It is the lower middle-income people, those elderly people who are depending on it for retirement.

But, most importantly, we have another example of when we use rhetoric in politics to sound good for the news media, we so often do a lot of harm. We have an industry that is being actively recruited by other States. It would not take much for this company to move less than a mile to Ohio because they are being encouraged every day to do so, and the only thing that is keeping them here is because they are Pennsylvanians. They love this State, but they are questioning how they can do business in a State that does not want to be business friendly, in a State that does not want to be savings friendly, and in a State that, for whatever reason, wants to penalize not the rich but the middle class, the lower middle class, and even the poor people who have put a few dollars away.

I have to support, and I really ask everybody in this body to support, the change of this tax in this amendment.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, recently, I had an opportunity to discuss this particular tax with an official from one of the Pennsylvania insurance companies. He indicated to me that to avoid the problems of reciprocity of other States doing the same thing and causing his insurance company no end of problems and the taxes he will have to pay on the selling of annuities, that he is, in fact, creating an insurance company or several insurance companies in other States to sell this product in those States to avoid the problem of being a Pennsylvania company selling this product in those States. This particular tax that we are talking about I think is going to be a tax that we will be collecting fewer dollars from each year as it is in place, so I think now is the time that we ought to remove that particular tax, and I would certainly encourage everyone to join me in voting for this particular amendment.

Thank you, Mr. President.

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

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

YEAS—24

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

NAYS—25

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

RHOADES AMENDMENT NO. A1027 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A1027:

Amend Title, page 1, line 10, by inserting after "penalties,"": exempting vending machine sales of candy and gum from taxation; and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting:

Section 1. Section 204(29) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended December 13, 1991 (P.L.373, No.40), is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

* * *

(29) The sale at retail or use of food and beverages for human consumption, including candy and gum, except that this exclusion shall not apply with respect to—

(i) Soft drinks;

(ii) Malt and brewed beverages and spirituous and vinous liquors;

(iii) Food or beverages, whether sold for consumption on or off the premises or on a "take-out" or "to go" basis or delivered to the purchaser or consumer, when purchased (A) from persons engaged in the business of catering; or (B) from persons engaged in the business of operating establishments from which ready-to-eat food and beverages are sold, including, but not limited to, restaurants, cafes, lunch counters, private and social clubs, taverns, dining cars, hotels, night clubs, fast food operations, pizzerias, fairs, carnivals, lunch carts, ice cream stands, snack bars, cafeterias, employe cafeterias, theaters, stadiums, arenas, amusement parks, carryout shops, coffee shops and other establishments whether mobile or immobile. For purposes of this clause, a bakery, a pastry shop, a donut shop, a delicatessen, grocery store, supermarket, farmer's market or a convenience store shall not be considered an establishment from which food or beverages ready to eat are sold except for the sale of meals, sandwiches, food from salad bars, hand-dipped or hand-served iced based products including ice cream and yogurt, hot soup, hot pizza

and other hot food items, brewed coffee and hot beverages. For purposes of this subclause, beverages shall not include malt and brewed beverages and spirituous and vinous liquors but shall include soft drinks. The sale at retail of food and beverages at or from a school or church in the ordinary course of the activities of such organization is not subject to tax. The sale at retail of candy and gum from vending machines shall not be subject to tax.

Section 2. Section 359 of the act, amended December 21, 1977 (P.L.330, No.98), is amended to read:

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

- (1) The amendment of section 204(29) of the act shall take effect July 1, 1993, or immediately, whichever is later.
- (2) The remainder of this act shall take effect immediately.

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

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

Senator RHOADES. Mr. President, what this amendment does, simply, is it exempts the vending machine sales of candy and gum from taxation. I would note that when we look at fiscal impact, there is nothing listed. In other words, I am saying there is no significant fiscal impact within this particular amendment.

The second thing I would add, too, is that I joined my colleague, the gentleman from Philadelphia, Senator Williams, I guess it was last week, when he served as prime sponsor and I as a cosponsor of a bill to do exactly the same thing as what this amendment does, and I would ask for a positive vote.

Thank you.

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

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

YEAS—24

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

NAYS—25

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

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

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

RHOADES AMENDMENT NO. A0996 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A0996:

Amend Title, page 1, line 10, by inserting after "penalties,"": excluding mail-order magazine subscriptions from sales and use tax; reducing the percentage of sales tax revenue transferred to the Public Transportation Assistance Fund; and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting:

Section 1. Section 204 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(49) The sale at retail or use of mail-order subscriptions for magazines. The term "magazine" refers to a periodical published at regular intervals of at least one week.

Section 2. Section 281.2 of the act, added December 13, 1991 (P.L.373, No.40), is amended to read:

Section 281.2. Transfers to Public Transportation Assistance Fund.—(a) All revenues received on or after July 1, 1992, from the imposition of the tax on periodicals shall be transferred to the Public Transportation Assistance Fund according to the formula set forth in subsection (b).

(b) Within 30 days of the close of any calendar month, [.44 per cent (.0044)] .38 per cent (.0038) of the taxes received in the previous month under this article, less any amounts collected in that previous calendar month under former 74 Pa.C.S. § 1314(d) (relating to Public Assistance Transportation Fund), shall be transferred to the Public Assistance Transportation Fund established under 74 Pa.C.S. § 1314(a).

(c) In fiscal year 1991-1992, the Secretary of Revenue will ensure that ten million dollars (\$10,000,000) is deposited in the Public Assistance Transportation Fund from the combination of revenues received under former 74 Pa.C.S. § 1314(d) and transfers of periodical taxes received under this article.

Section 3. Section 359 of the act, amended December 21, 1977 (P.L.330, No.98), is amended to read:

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 4. This act shall take effect as follows:

- (1) The amendment or addition of sections 204(49) and 281.2 of the act shall take effect July 1, 1993, or immediately, whichever is later.
- (2) The remainder of this act shall take effect immediately.

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

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

Senator RHOADES. Mr. President, very simply, this amendment would exempt magazine subscriptions from the sales and use tax. I think it is very important and significant to keep people informed - the news, the information, the developments of things that go on - and then we tax information. I think it is unnecessary and I think it is in poor taste, and I would move for a positive vote.

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

Senator CORMAN. Mr. President, you know, this is a particularly stupid tax that we place on magazine subscriptions in the Commonwealth of Pennsylvania. It is stupid, for one reason, because it is only being paid by those people who are willing to admit that they have subscriptions and that they owe a tax on it. At one of my constituent meetings I held recently, a constituent of mine came and showed me a letter, I have a copy of it here, that they recently received, dated February 20 of this year, asking these people to fill out a list of all of those magazine subscriptions they may have in their home - Reader's Digest, Sports Illustrated, and the like - and report themselves to the State so that they could pay their appropriate tax. And I guess there is a threat there of fraud if they have missed a particular magazine subscription they may have, and, in fact, if they do not send it in, I guess they might be guilty of some vile rule of the Commonwealth of Pennsylvania. So, I wrote to the Secretary of Revenue on April 14, and, unfortunately, have not received a reply yet. I sent her a copy of this particular letter and asked if every citizen of the Commonwealth of Pennsylvania was required to fill out this particular form and pay their tax on whatever subscriptions they may have. I will bet the answer is no.

This tax is very similar to the personal property tax that our county had in place when I was a county commissioner, and those people who were willing to admit they had the tax paid it, and those who did not want to admit they had the taxable security did not pay the tax. We decided that was a pretty bad tax when people only pay it when they want to, so, we eliminated it. I think it is time we eliminate this particular tax. We do not require people to pay the tax, we do not know who owes the tax, and it is time we get rid of it.

Thank you, Mr. President.

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

Senator RHOADES. Mr. President, I must correct myself. I said in the comments that the gentleman from Philadelphia, Senator Williams, had been the prime sponsor. I was wrong. This parallels Senate Bill No. 468, which was prime sponsored by the gentleman from Lehigh, Senator Afflerbach; cosponsored by Senator Williams, Senator Wenger, Senator Hart, Senator Salvatore, Senator Stapleton, Senator Lynch, Senator LaValle, Senator Peterson, Senator Punt, and myself, and it does exactly the same thing as what we are trying to do with this amendment.

Thank you.

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

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

YEAS-24

- | | | | |
|-----------|-----------|---------|-----------|
| Armstrong | Greenleaf | Loeper | Robbins |
| Baker | Hart | Madigan | Salvatore |

- | | | | |
|------------|-----------|----------|----------|
| Bell | Helfrick | Mowery | Shaffer |
| Brightbill | Holl | Peterson | Shumaker |
| Corman | Jubelirer | Punt | Tilghman |
| Fisher | Lemmond | Rhoades | Wenger |

NAYS-25

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

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

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

RHOADES AMENDMENT NO. A0997 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A0997:

Amend Title, page 1, line 10, by inserting after "penalties,"": further providing for the exclusion of certain periodicals from sales and use tax; repealing certain transfers; and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting:

Section 1. Section 204(30) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended December 13, 1991 (P.L.373, No.40), is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

* * *

(30) [The sale at retail or use of newspapers. For purposes of this section, the term "newspaper" shall mean a "legal newspaper" or a publication containing matters of general interest and reports of current events which qualifies as a "newspaper of general circulation" qualified to carry a "legal advertisement" as those terms are defined in 45 Pa.C.S. § 101 (relating to definitions), not including magazines. This exclusion shall also include any printed advertising materials circulated with such newspaper regardless of where or by whom such printed advertising material was produced.] The sale at retail or use of periodicals and publications which are published at regular intervals not exceeding three months, and which are circulated among the general public and containing matters of general interest and reports of current events published for the purpose of disseminating information of a public character or devoted to literature, the sciences, art or some special industry. This exclusion shall also include any printed advertising material circulated with such periodical or publication regardless of where or by whom such printed advertising material was produced.

* * *

Section 2. Section 281.2 of the act is repealed.

Section 3. Section 359 of the act, amended December 21, 1977 (P.L.330, No.98), is amended to read:

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 4. This act shall take effect as follows:

(1) The amendment or repeal of sections 204(30) and 281.2 of the act shall take effect July 1, 1993, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

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

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

Senator RHOADES. Mr. President, very simply, this exempts the sale of magazines from the sales and use tax. Again, I do not think there is any need to tax any of us who are concerned about having information, facts, figures, and the latest before the public. I think it is very inequitable for us to put a tax on top of that, and I would ask for a positive vote for this amendment.

Thank you.

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

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

YEAS—24

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

NAYS—25

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

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

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

LEMMOND AMENDMENT NO. A1022 OFFERED

Senator LEMMOND, by unanimous consent, offered the following amendment No. A1022:

Amend Title, page 1, line 11, by removing the period after "class" and inserting: ; and increasing the capital stock and franchise tax exemption.

Amend Bill, page 5, by inserting between lines 23 and 24:

Section 2. The definition of "capital stock value" in section 601(a) of the act, amended August 4, 1991 (P.L.97, No.22), is amended to read:

Section 601. Definitions and Reports.—(a) The following words, terms and phrases when used in this Article VI shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

"Capital stock value." [The] For taxable years 1991 and including 1992, the amount computed pursuant to the following formula: the

product of one-half times the sum of the average net income capitalized at the rate of nine and one-half per cent plus seventy-five per cent of net worth, from which product shall be subtracted fifty thousand dollars (\$50,000), the algebraic equivalent of which is
(.5 X (average net income/.095 + (.75 (net worth))) - \$50,000

For taxable years prior to 1991 and for taxable years commencing in 1993 and thereafter the amount computed pursuant to the following formula: the product of one-half times the sum of the average net income capitalized at the rate of nine and one-half per cent plus seventy-five per cent of net worth, from which product shall be subtracted one hundred thousand dollars (\$100,000), the algebraic equivalent of which is

(.5 X (average net income/.095 + (.75 (net worth))) - \$100,000

* * *

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

- (1) The amendment of section 601 of the act shall take effect July 1, 1993, or immediately, whichever is later.
- (2) The remainder of this act shall take effect immediately.

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

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, this is another one of the good amendments that would help especially small businesses in the Commonwealth of Pennsylvania. This has to do with increasing the capital stock and franchise tax exemption from \$50,000, where it currently is set, to \$100,000. Prior to the \$50,000 exemption we had a \$100,000 exemption. It has fluctuated back and forth. I think the time has come and gone and now has come again to restore it to the \$100,000 level. I think it is a good amendment, and I encourage support.

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

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

YEAS—24

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

NAYS—25

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

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

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

SALVATORE AMENDMENT NO. A1026 OFFERED

Senator SALVATORE, by unanimous consent, offered the following amendment No. A1026:

Amend Title, page 1, line 10, by inserting after "penalties," further defining "purchase price" for purposes of building maintenance or cleaning services; and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting:

Section 1. Section 201(g) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a subclause to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(g) "Purchase price."

* * *

(8) The purchase price of building maintenance or cleaning services shall be the service fee paid by the purchaser to the vendor or supplying entity. The term "service fee" as used in this subclause shall be the total charge or fee of the vendor or supplying entity minus the costs of the supplied employe which costs are wages, salaries, bonuses and commissions, employment benefits, uniforms, equipment, supplies, expense reimbursements and payroll and withholding taxes, to the extent that these costs are specifically itemized or that these costs in aggregate are stated in billings from the vendor or supplying entity. To the extent that these costs are not itemized or stated on the billings, then the service fee shall be the total charge or fee of the vendor or supplying entity.

* * *

Section 2. Section 359 of the act, amended December 21, 1977 (P.L.330, No.98), is amended to read:

Amend Sec. 2, page 5, line 24, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

(1) The amendment of section 201(g) of the act shall take effect July 1, 1993, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

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

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

Senator SALVATORE. Mr. President, very simply, this amendment is the same as Senate Bill No. 925.

I think it is wrong that we impose a tax on wages for employees when they are doing cleaning and other services. We have just hurt an industry that has a minimum wage society, or just above a minimum wage society. I think by just removing the tax on the wages would help tremendously in this particular industry, because the Service Employees International Union has lost many employees due to this tax, and many people have been affected by it. A lot of these people who have been laid off are on unemployment compensation, so, therefore, it is costing the State both ways - we are not collecting the tax and we are paying unemployment compensation.

I would ask for an affirmative vote.

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

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

YEAS—24

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

NAYS—25

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

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

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

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I was hopeful that the Majority would see their way to adopt at least one of these amendments, whether it be the net operating loss carryforward or any of the other ones, and if they did, I had an amendment to offer to help pay for it in the first year with a tax amnesty bill, but, since they apparently are not looking for any additional revenue and are not interested in seriously considering tax cuts, I will withhold offering this amendment at this time. But I would urge the Majority that this issue is something that should be considered.

Thank you.

POINT OF ORDER

Senator FUMO. Mr. President, point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state his point of order.

Senator FUMO. Mr. President, I take offense. The gentleman says we are not serious about looking into tax reductions. We are. We just question the timing and the political opportunism of their Caucus at this time.

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

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

On the question,
Shall the bill pass finally?

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

Senator LOEPER. Mr. President, what we have seen here today on the Senate floor is really an attempt to try to help all counties of Pennsylvania, not just one. I think that when we look at the basic content of Senate Bill No. 753, once again we see a situation to help out the city of Philadelphia in its financial plight. I think that this Senate and this General Assembly has demonstrated time and time again a willingness to cooperate and be helpful in assisting the city to put its own fiscal house back in order, whether it be to pass the legislation which created the convention center, the Regional Port Authority, or whether it be the creation of the PICA board to oversee the city's financial plight. I think that we have demonstrated time and time again the commitment of this Senate in a bipartisan fashion to try to assist the city in its plight.

However, I think that what we had here today, Mr. President, was an opportunity to help not only the city of Philadelphia but to help the economy of Pennsylvania, and I think it is very unfortunate that we could not accommodate both because I think that this was a vehicle by which both of those issues could have been accomplished.

I think if we look specifically at the content of Senate Bill No. 753, we are talking once again about an issue that could impose hardships among many of our employers in the southeast region. Particularly, it could have a direct negative impact upon the employers in Delaware, Montgomery, Chester, and Bucks Counties, as well as some farther out counties adjacent to the region.

I think there are some questions that remain as far as the content of the bill, and particularly at a time when we are talking about trying to encourage and maintain jobs and improve our business climate, what we are doing again, Mr. President, under the provisions of this bill, is requiring the employer to file a separate return and pay the deducted taxes. I believe that this should be the responsibility, Mr. President, of the individual taxpayer, and it is not his or her employer who should take that responsibility or act as a taxing agent for the city of Philadelphia. I think it is really outside the jurisdiction of those employers who choose to hire Philadelphia city residents and therefore contribute to the overall economy of the city by providing meaningful employment opportunities for its residents.

I think another problem with the bill as it stands before us today is that the bill has an immediate effective date with no consideration at all for the time it will take for an employer to make preparations to come into compliance with the law's requirements. Further, there is no time allowed for the Philadelphia revenue commissioner to develop and adopt regulations necessary for the proper remittance of the tax, as is provided in separate sections of the bill.

I think, once again, what we are talking about is legislation that is going to adversely impact on not only our large employers but also very much our small employers. The small em-

ployers will be affected because the bill applies to employers who just have one or more persons who are city residents, and it puts the obligation of withholding that tax on the employer, even though he may only have one or two employees who are city residents.

And I think another question that still has to be answered is, without further analysis, it appears at this time that municipalities that currently impose a wage tax do have the potential to lose those revenues that they are now collecting if Senate Bill No. 753 is enacted.

So, I think, Mr. President, for those reasons, it would be premature today to vote for this piece of legislation which could possibly have an adverse impact not only on the southeastern region, but, I think, Mr. President, in conjunction with the amendments that were offered here today and were rejected by the Democratic Majority, an adverse impact on Pennsylvania, and I would ask for a negative vote on the legislation.

Thank you.

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

Senator FUMO. Mr. President, just two quick issues. First, I do not want to let go unchallenged the remarks of many of the previous speakers concerning the bleeding heart for business today, but I do want to remind my colleagues in the Chamber today of a few interesting facts about Pennsylvania of which they should be mindful before they beat up the Commonwealth in its attempt to attract business here.

First of all, our unemployment rate this month is 6.9 percent. It is below the 7 percent national rate, and for the last 5 months, we have either been equal to or below the national rate in 4 out of the 5 months.

Secondly, three of the most admired companies in the Nation have located facilities here after we passed our taxes. They are Merck, Wal-Mart, and Rubbermaid. Sony is considering locating here as well, as well as Sears, Lord & Taylor, J.C. Penney, and many other establishments.

Next, Mr. President, we fund the Health Care Cost Containment Council for business. We are one of the few States that do that. Next, Mr. President, we offer more money in economic development than any other State in the Nation. We are number one, spending \$200 million a year in economic development. The only State that comes close to us is Illinois, and they are \$50 million behind us. We spend about \$100 million a year in job training, customized job training, New Directions, welfare training.

Mr. President, we have a balanced budget, different than many of our surrounding States such as New York, New Jersey, Illinois, and Maryland, which all have huge deficits. Not to mention California, the high-tech of high-tech States, which has been looking at fiscal disaster for the last couple of years and still has not been able to balance their budget, despite billions of dollars in increased taxes at the State level.

And, lastly, Mr. President, we are the only major State which has not suffered a downgrade in our bond rating during the recent recession.

Mr. President, I submit to you that there are a number of reasons why companies do locate in Pennsylvania and continue to do so, and I have just enumerated a couple of them. We fully intend to look further to try to help businesses even further in the next budget cycle, and we will certainly match those cuts with appropriate cuts in funding. I want to see the same Members today who were so anxious to offer budget cuts come here and defend the budget when we cut out some of their pet projects, perhaps. I do not think we will hear it. We will hear a lot of bellyaching about their poor constituents.

Mr. President, as to the bill before us, it is very nice for the gentleman from Delaware, Senator Loeper, to say that he loves helping the city of Philadelphia. He talked about all the assistance he has given the city of Philadelphia by forming the convention center authority, which, quite frankly, was not a Philadelphia issue, I might add, but was driven by other interests. Most of the Philadelphia Members of this Chamber did not want the convention center, but it is there now.

Mr. President, forming PICA did not cost this Commonwealth one nickel. And, Mr. President, the revenues generated in this particular bill are already included in the mayor's 5-year plan which has been submitted to PICA and approved by PICA, and the gentleman from Delaware, Senator Loeper, has a Member on that committee that approved this. So, it is a little inconsistent to say on the one hand, we approve of a 5-year plan that incorporates these revenues, and on the other hand say, you cannot have the revenues.

Mr. President, Philadelphia is not looking for a handout. Philadelphia is not looking for assistance. Philadelphia is just looking for what is morally theirs. I cannot believe, and I am deeply offended by the comments of the gentleman from Delaware, Senator Loeper, when he talks about all those poor communities that are illegally collecting wage tax from Philadelphia residents, illegally, and yet he wants us to preserve that illegality and he has the audacity to say that in this Chamber and ask us to vote against the bill so that we could perpetuate that illegality.

Mr. President, Philadelphia does not want a handout, but it does not want to get robbed either by anybody, including other townships that surround it that may, in fact, be taking its wage tax. It is entitled to impose the wage tax upon its residents. It does so and it does so with great reluctance, but with a spirit that it knows it has to balance its budget well. And, Mr. President, I might add that our current mayor is unique among mayors in the United States in that he has stood up to the unions and demanded that they pay their fair share, which they have done across the board. No other mayor in the history of Pennsylvania or in the United States has done what Ed Rendell has done to balance the city of Philadelphia's budget, without assistance from this Commonwealth, without dollars from this Commonwealth, by just sitting there and driving the hard bargains that were necessary at the table. And he did that against, I might add, Democratic labor unions, but it had to be done.

It is outrageous for people to not want to give Philadelphia what it justly deserves and what the law provides it should have, and I am not persuaded by those large employers or

small employers in the surrounding counties who might have to now remit this tax to the city of Philadelphia if they only have one employee. Mr. President, would they use the same argument if they had only one State employee? Would it be such a hardship to give to the Commonwealth of Pennsylvania its withholding tax? No. It is only a hardship when we have to give it to the city of Philadelphia.

Mr. President, it is outrageous that it has taken us this long to get control of this Chamber, to get this bill moved. It is outrageous that people on the other side of the aisle for one second should even consider trying to block passage of this bill and yet then come back and say, gee, is it not a shame, the people in Philadelphia cannot balance their budgets. Of course they cannot when you steal their money.

Mr. President, I urge immediate action on this bill and an affirmative vote, and I would hope that some of my colleagues on the other side of the aisle would see fit to do the proper thing and give to Philadelphia what is justly, morally, and legally Philadelphia's.

Thank you, Mr. President.

MOTION TO PASS BILL OVER

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

Senator LOEPER. Mr. President, I think in light of all the debate that we have had on the bill, and as I indicated in my earlier remarks this evening that there certainly seems to be room to try to work this issue out on behalf of not only the city but the State as a whole, therefore, I would like to move, at this point, Mr. President, that the bill go over in its order.

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

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

Senator FUMO. Mr. President, we would oppose the motion.

LEGISLATIVE LEAVE

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

Senator FUMO. Mr. President, Senator Musto has been called off the floor and I would ask for a temporary Capitol leave for Senator Musto.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—23

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

NAYS—26

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

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

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Madigan. The Chair hears no objection, and that leave will be granted.

And the question recurring,
Shall the bill pass finally?

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

Senator HART. Mr. President, I rise at this time to make some explanatory comments about a comment that was made during the debate by the gentleman from Philadelphia, Senator Fumo. He characterized unemployment across the Commonwealth of Pennsylvania as not being too terribly high. However, being a State Senator from the west, along with my fellow colleagues from the west, I wish to point out to my colleagues on the other side of the aisle who may be from the east and invite them to take a trip to the west to see that unemployment is much higher in the west. We have to be very careful of what we do with our economy. It is getting worse there.

So, for those of you who may have a surge of growth in the east, that does help the average; however, it is not getting better in the west.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, I rise to comment on a statement made by the gentleman from Philadelphia, Senator Fumo, that he only wants for Philadelphia what is morally and rightfully theirs. As I examine the issue, Philadelphia already requires residents of the surrounding counties who work in Philadelphia to pay a wage tax to the city of Philadelphia for the wages they earn while they are in Philadelphia. Now this law would require the employers, be they local governments or manufacturers, or whatever, in the communities surrounding Philadelphia who have employees who live in Philadelphia to collect that same tax and forward it back to the city, and I believe all of this is done without any offset for any wage taxes that may have been in place in those communities where these Philadelphians are now working or where these non-Philadelphians live but work in the city of Philadelphia. I think that is the only city in the State of Pennsylvania that has that kind of special attention given to it. I think anywhere else there is proper offset to make up a difference when there is a wage tax, and I just find it difficult to believe that this is morally right and just for the city of Philadelphia to have that kind of special consideration. I will be voting "no."

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Lewis.

Senator LEWIS. Mr. President, when I first read this proposal, it seemed to me that it represented basically sound financial policy and just good, common sense. And with that impression in mind, I listened particularly carefully to the previous speakers who addressed the principal issue of this bill. I took notes as the gentleman from Delaware, Senator Loeper, described some of his concerns with the proposal, and if I heard him correctly, he suggested that he was concerned about the bill imposing a hardship for employers, something that might have a negative impact for employers, and, quite frankly, I am hard pressed to discover how that can possibly be the case, particularly in light of some of the realities as described by the gentleman from Philadelphia, Senator Fumo, which I need not repeat because I think that they are simplistic and understood by anyone who has ever had occasion to look into the process of and the obligation of an employer, regardless of whether there is one employee or thousands, with respect to the withholding of State and Federal tax and Social Security obligations.

I then heard the gentleman say that the matter of withholding legitimate tax obligations should not be the responsibility of the employer, but that the payment of this tax ought to be the obligation of the employee, and, of course, it, again, nearly goes without saying that such a suggestion is virtually unparalleled in terms of the accepted method of collection of taxes for virtually every tax-imposing authority in the Nation.

The gentleman suggested that somehow or other if we were to pass this bill there would be an adverse impact to employers, and I have to confess that I just cannot see how that proposal is in any way supported by reason or logic.

So, with those reactions to some of the comments, I cannot help but come back to what I think is the principal issue, and that is that this bill affects not residents of Delaware County

or Bucks County or Chester or Montgomery Counties, but, rather, the residents of the city of Philadelphia, people who live in the city and come into our suburban communities to work each day. And I am also mindful of the fact that for years many of us have stood in this Chamber and debated requests made by the city of Philadelphia for direct financial assistance and time after time said, why does the city not get their own act together? How can they come and ask us for help until and unless they have managed to clean up their own house? We have used phrases like, why should we help them before they take the appropriate steps to help themselves; and, do not ask us to help until and unless you have done everything within your own power to come to grips with the financial mess that seems to exist or had existed for many years within the city itself. This bill appears to me to be a clear effort in furtherance of those very challenges which those of us in the suburbs have laid down to the administration within the city for years; in fact, for decades.

So, I would think that for every one of us, as Senators representing suburban constituencies, one of the best things that we can do for our residents, one of the best things that we can do for southeastern Pennsylvania, for the city of Philadelphia, and for all of our communities, is to help the city of Philadelphia collect the taxes to which they are entitled, moneys that are due them, and moneys which in many instances they are not now receiving simply because the very commonsensical, simplistic accounting opportunities that are there to see that this collection takes place are not being employed.

I will conclude as I began. I think that this recommendation is sound financial planning, sound financial policy, and just good, common sense, and I would urge an affirmative vote for the bill.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, will the gentleman from Bucks, Senator Lewis, agree to interrogation?

The PRESIDENT. Will the gentleman from Bucks, Senator Lewis, permit himself to be interrogated?

Senator LEWIS. I will, Mr. President.

The PRESIDENT. The gentleman indicates that he will. The gentleman may proceed.

Senator HOLL. Mr. President, will the gentleman advise the Senate on the situation where Philadelphia collects wage tax, do they keep that wage tax in Philadelphia? Does Philadelphia keep the money?

Senator LEWIS. Mr. President, the wage tax which they are legally entitled to collect I hope they keep, yes.

Senator HOLL. Mr. President, all right, you keep it. Now, the wage tax collected in Montgomery County, where I live, by employers and by local governments and all other employers, will they keep the money in the Montgomery County treasury, as Philadelphia does with money it collects on suburban employees who come into Philadelphia?

Senator LEWIS. Mr. President, it is not my intention to be quarrelsome, but, rather, precise, and so I would suggest that to the best of my knowledge, the county of Montgomery does

not have a wage tax which can be assessed against people who live in that county. However, if the gentleman is alluding to earned income taxes which may or may not be assessed by various municipalities or school districts, those earned income taxes are collected under the law of Pennsylvania by the municipality in which the employee works, and if the point of residence is a different municipality or school district and the school district of residence applies a similar tax, then the collecting authority is obligated, as I understand it, to remit it to the municipality or school district of residence of that employee.

Senator HOLL. Mr. President, will the gentleman please respond to the question I am asked by many of my constituents in Montgomery County, and I am sure also in Bucks County, that money collected in Bucks County or Montgomery County is then going to be sent in to Philadelphia, but there is no offset in Philadelphia on the Philadelphia wage tax that is collected. Is that not true?

Senator LEWIS. Mr. President, that is absolutely not true because at the present time, if any moneys are voluntarily being collected by employers in any suburban county with respect to an employee who lives in the city of Philadelphia, they are obligated, under the law, to reimburse that money to the city of Philadelphia. There is no right, statutory or otherwise, by which any municipality or school district in the suburbs can collect a wage tax from an employee who resides in the city of Philadelphia and retain those moneys. So, if somebody in the gentleman from Montgomery, Senator Holl's district is suggesting that, in fact, such a procedure is currently being done, then I would say that the tax collecting entity that is engaging in such a process is violating the law.

And so, possibly a more simplistic response, Mr. President, would be that there is no authority now to collect or retain any wage taxes by any suburban municipality from someone who lives within the city of Philadelphia. So, the presumption that it happens and that these municipalities would be losing anything is purely a myth and not fact, unless somebody in the suburbs is breaking the law.

Senator HOLL. Mr. President, possibly the gentleman did not understand my question. My constituents are terribly upset when they are required to pay a wage tax in Philadelphia. They think it is too high. And now they are learning that under this proposed legislation, this proposed law, that when Philadelphians come to Montgomery County to work, they are going to pay a wage tax, but it will go back to Philadelphia. It will not stay in the suburban areas where it is collected. Is that not correct?

Senator LEWIS. Mr. President, that is currently the law. We are not talking in this proposal about changing the law as to who is obligated to pay tax. We are simply talking about a procedure that will assure that the taxes which are now legally payable, in fact, are remitted to the source which is entitled to have them. I do share the gentleman's concern and have for many years, and I believe from time to time we have collaborated on the issue of the relative relationship or obligation of suburban wage tax payers to the city of Philadelphia vis-a-vis

the absence thereof from people who live in the city but work in the suburbs. This bill is not about that issue at all. This bill is not discussing the question of who has what obligation to pay the taxes but, merely, what is to be properly done in terms of insuring that the taxes that are currently due under the law get returned to the source to which they are entitled.

I should further point out, because I think that it is material to this question, that as recently as a few years ago, with the Governor's local tax reform, which was a process in which I was very actively involved, we proposed reducing the amount of wage taxes paid by suburban residents to the city of Philadelphia, proposed a payment by the city to the suburbs on account of their residents who work in the suburbs, both for the first time ever, and I believe that the gentleman who is interrogating me now was opposed to that proposal, as were many of his colleagues. Recognizing, as I said initially, that that is not the subject of this bill, nevertheless, it is an issue that has been before us in a different kind of forum and which was not accepted by some of the Members of this body, and, obviously, ultimately in the referendum by the people of Montgomery County and this entire Commonwealth.

Senator HOLL. Mr. President, will the gentleman advise me and the Senate, so that we can explain to the residents of the suburban counties this rather complex and complicated matter—he stated it was common sense and he used the word "fair," and that is what attracted my attention—will the gentleman advise if all the money that is collected in the counties of Bucks, Montgomery, Chester, et cetera, will go back into Philadelphia and none will come from Philadelphia out to the suburbs, no money. Is that not correct?

Senator LEWIS. Mr. President, that is not correct. This bill has nothing to do with that subject. This bill simply says that if someone works in one of the 66 counties in Pennsylvania other than the county of Philadelphia and that person happens to be a resident of the county of Philadelphia, that the employer will withhold the tax that is due to the county of Philadelphia and remit it to the county. That is all that this issue is about. It is not money to which any of those other 66 counties are entitled. It is not money that they can keep if they collect it and we do not pass this bill. It is simply the question of what is the most practical means for assuring that the tax dollars to which the city of Philadelphia is entitled from its own residents are paid to them. Any suburban resident who works for a suburban employer is not going to be affected by this at all, and any suburban resident who currently works in the city of Philadelphia has the wage tax withheld from his or her salary now. So, we are not talking about affecting any of those people or any of those relationships. This bill specifically and simply says a Philadelphia resident who works in the suburbs ought to be paying his or her legal obligation to the city of Philadelphia in terms of taxes. It has nothing to do with the suburban taxing structure at all.

Senator HOLL. Mr. President, I have one more question of the gentleman, and I appreciate his answers.

The situation, if this bill becomes law, will not be the same for Montgomery or Bucks or any of the other counties as it is

for Philadelphia. There is a difference. Philadelphia collects the tax, they keep it; Montgomery County employers are going to be asked to collect a tax, but they will not keep it, they will be required to send it in to Philadelphia and become tax collectors. That is going to be very difficult to explain to the voters and the residents of my county, at least, and I am sure of Bucks County, too.

I thank the gentleman. Thank you.

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

Senator BELL. Mr. President, I have a senior staff representative who was a former fighter pilot in the United States Air Force. He had many combat missions, and he said a fighter pilot has two rules: one, never be predictable; and two, do not forget the first rule.

I think there are two rules of being a State Senator. One, always vote the way your constituents desire you to vote. The second rule is, do not forget that first rule.

I represent Delaware County and part of Chester County. I represent many people who work in Philadelphia, and they hate the Philadelphia wage tax. So, as I sit here to vote, I am going to vote the way my neighbors wish me to vote, and if I do not, I will not stay a Senator very long. And I just ask you, how do you think the small merchants in Delaware County will feel if they become Philadelphia wage tax collectors? That is what is in my mind. I am not forgetting that first rule.

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

Senator FUMO. Mr. President, I just take issue with the gentleman's philosophy. I believe it is a dilemma for each and every one of us here, if we want to be responsible, and the dilemma that we face each and every day, if we are really being honest with ourselves, is how far do we represent and how far do we lead? There are many times, Mr. President, when you must be a leader among your constituents. To do otherwise would be wrong, too. I just do not agree with the gentleman's way that he votes. I certainly have not been locked into that during my tenure here, and I hope I never am. I think we have a responsibility to lead for the greater good of the Commonwealth first, and then to represent our constituents as best as we can within that context.

Thank you, Mr. President.

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

Senator FATTAH. Mr. President, on final passage, I would just like to speak in favor of this legislation. I know that many of our colleagues who have spoken and who represent suburban counties to Philadelphia have mixed emotions about this bill, but I know that all of them share with those of us from the city a desire that our city be able to grow and prosper and that we are able to pay our bills. Some 57 percent of all of the procurement in Philadelphia is purchased from businesses in the four surrounding counties. Issues of law enforcement and quality of life in Philadelphia, issues related to trying to address the needs of a significant pocket of people who have associated themselves with the city in a way, looking for op-

portunity, we have to deal with, and we need the tax resources to do so.

The counties of Bucks, Montgomery, Delaware, and Chester are, indeed, beautiful places, but the economic opportunities and the life opportunities that exist here today could not exist without the city of Philadelphia. You do not have suburbs without a city, and we cannot live in a world in which we are not willing to work together so that we can come to an acceptable and reasonable conclusion. One is that this legislature has granted on some previous day the right of Philadelphia to levy a wage tax. Now what we are looking for is an opportunity to more efficiently collect that wage tax from Philadelphia residents who happen to work in the suburbs.

And just as a final matter, to comment on the comments of the gentleman from Delaware, Senator Bell, and I have always found his wisdom to be very, very important in this Chamber, but we are not always perfect, I guess. When he speaks of the fact that he has constituents who work in Philadelphia and who hate our wage taxes, they have an opportunity. If they do not want to pay our wage tax in Philadelphia, they can vote with their feet and they can get jobs somewhere else. But in Philadelphia, in order to have those jobs and in order to have a city that can meet the responsibilities not only of our city but we also have reached out to our suburban counties and assisted them in many, many matters, we have to have the resources, the tax dollars necessary to do that.

So, I thank you, and I would hope that we would have a favorable vote on final passage.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I just want to add my words, too, as a Senator who represents both Philadelphia and a part of Montgomery County. I have to look out for my constituents in both areas, and I do believe this is one of those situations where it is not a city-versus-suburbs or other counties situation at all. This is currently, as I think Senator Lewis spoke very eloquently and clearly about, not a new tax that we are putting on anyone. This is a current obligation of city residents.

I think some of the prior speakers talked about people not liking to pay taxes. I think that that probably is a universal feeling. I do not think anyone enjoys paying taxes, but it is, in fact, an obligation, and it is an obligation of all city residents to pay a city wage tax even if they work in the suburbs. The fact that it is now voluntary on the part of employers to withhold and remit that tax is a problem. It means that some taxpayers potentially might not be paying that tax. It is something we cannot afford in Philadelphia. I think as a government we have a responsibility to make sure that we make it as easy as possible for people to pay their taxes and to be sure that they are remitted to the proper authority. It is done between other counties. This is something that should be done. It is not holding taxes out from Montgomery County. These are taxes that are legally obligated to be paid to Philadelphia.

What we are saying is the employer, as they have to do with other ways, they have to withhold this tax and then remit it to the city. My only concern, on the behalf of the businesses within Montgomery County and Cheltenham Township that are my constituents, was to make sure that it was as easy as possible for them to remit these taxes. I understand that as of January 1993, the city revenue department has just changed some of the filing processes to make it much easier for all businesses in Philadelphia and those that are now voluntarily remitting this tax in the suburbs. They have made sure that small businesses only have to remit these taxes on a quarterly basis. They are certainly trying to make it as easy as possible, and I believe they would be willing to hear if there are additional concerns about the process or about costs to businesses. We are trying to keep that as low as possible.

I would also just end by saying that it is true, as the gentleman from Philadelphia, Senator Fattah, said, that those of us in southeastern Pennsylvania do care about the city of Philadelphia, and as much as some of my suburban colleagues would like to make it a we-versus-they situation, that is not the case. My suburban constituents say to me they want the city to be as strong and as healthy and as viable as possible, and they are willing to do what they need to do, and it is not a conflict, it is not an adversarial relationship, and it should not be stated as such. We all understand that if we want southeastern Pennsylvania to thrive, we all have to do our share, and that is what they say to me as well, and I am sure that is what they say to my Republican counterparts in the suburbs as well.

So I ask everyone to support this bill that really just makes it easier, a surer way to make sure that Philadelphia gets the city wage tax that is due it, and that it is true, we need to share the tax burden, and that means that everyone obligated to pay the taxes should be paying them and we should ease that burden.

Thank you, Mr. President. I look forward to a positive vote from both sides of the aisle, from my colleagues in the suburbs as well as city residents.

Thank you very much.

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—26

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

NAYS—23

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Shaffer
Bell	Helfrick	Mowery	Shumaker

Brightbill	Holl	Peterson	Tilghman
Corman	Jubelirer	Punt	Wenger
Fisher	Lemmond	Rhoades	

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

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

LEGISLATIVE LEAVE CANCELLED

Senator FUMO. Mr. President, will the Chair recognize Senator Porterfield's presence on the floor and cancel his temporary Capitol leave?

The PRESIDENT. The Chair will be delighted to do that.

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to request temporary Capitol leaves for Senator Fattah and Senator Stout, who have just been called to their offices.

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

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 686 (Pr. No. 1067) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

Fattah	Loeper	Rhoades	Williams
Fisher			

NAYS—0

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

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

SB 687 (Pr. No. 738) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 688 (Pr. No. 1068) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 690 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 692 (Pr. No. 743) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to.

On the question, Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Hart

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

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

SB 693 (Pr. No. 744) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission, the Office of Consumer Advocate in the Office of the Attorney General and the Office of Small Business Advocate in the Department of Commerce.

Considered the third time and agreed to.

On the question, Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 694 (Pr. No. 745) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the third time and agreed to.

On the question, Shall the bill pass finally?

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

YEAS—49

Afflerbach	Fumo	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Salvatore

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 4 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 218 (Pr. No. 780) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

RECONSIDERATION OF SB 218

BILL ON FINAL PASSAGE

SB 218 (Pr. No. 780) — Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 218, Printer's No. 780, just passed finally.

The motion was agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 293 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 475 (Pr. No. 503) — The Senate proceeded to consideration of the bill, entitled:

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

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

AMENDMENT OFFERED

Senator ROBBINS, by unanimous consent, offered the following amendment No. A1082:

Amend Sec. 3 (Sec. 4), page 3, line 17, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 3, line 20, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 3, line 28, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 4, line 3, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 4, line 8, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 5, line 15, by striking out the bracket before "Work"

Amend Sec. 3 (Sec. 5), page 5, line 15, by striking out "] Projects."

Amend Sec. 3 (Sec. 5), page 5, lines 17 and 18, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 6, line 20, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 6, line 22, by striking out the bracket before "Work"

Amend Sec. 3 (Sec. 5), page 6, line 22, by striking out "] Projects"

Amend Sec. 3 (Sec. 5), page 7, line 2, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 7, lines 26 and 29, by striking out the bracket before "Within" in line 26 and after "department." in line 29

Amend Sec. 3 (Sec. 5), page 7, line 30, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 8, line 2, by striking out the brackets before and after "experience"

Amend Sec. 5 (Sec. 7), page 11, line 2, by striking out the brackets before and after "work experience"

Amend Sec. 5 (Sec. 7), page 11, lines 9 through 14, by striking out "] Corpsmembers shall be excused" in line 9, all of lines 10 through 13 and "the provisions of this act." in line 14

Amend Sec. 6 (Sec. 8), page 11, line 22, by striking out the bracket before "(a)"

Amend Sec. 6 (Sec. 8), page 11, line 30, by striking out "] (a) Funding.—Funds"

Amend Sec. 6 (Sec. 8), page 12, line 3, by striking out the bracket before "(c)"

Amend Sec. 6 (Sec. 8), page 12, line 3, by striking out "] (b)"

Amend Sec. 6 (Sec. 8), page 12, line 14, by striking out the bracket before "(d)"

Amend Sec. 6 (Sec. 8), page 12, line 14, by striking out "] (c)"

Amend Sec. 6 (Sec. 8), page 12, line 17, by striking out the bracket before "(e)"

Amend Sec. 6 (Sec. 8), page 12, line 17, by striking out "] (d)"

Amend Sec. 6 (Sec. 8), page 12, line 20, by striking out the bracket before "(f)"

Amend Sec. 6 (Sec. 8), page 12, line 20, by striking out "] (e)"

Amend Sec. 6 (Sec. 8), page 12, line 26, by striking out the bracket before "(g)"

Amend Sec. 6 (Sec. 8), page 12, line 26, by striking out "] (f)"

Amend Sec. 8 (Sec. 12), page 13, line 25, by inserting a bracket before "Section"

Amend Sec. 8 (Sec. 12), page 13, line 26; page 14, line 1, by striking out the bracket before "The" in line 26, page 13, and after "1988." in line 1, page 14

Amend Sec. 8 (Sec. 12), page 14, line 1, by striking out the bracket before "25%"

Amend Sec. 8 (Sec. 12), page 14, lines 1 and 2, by striking out "] 50%"

Amend Sec. 8 (Sec. 12), page 14, line 2, by striking out the bracket before "the"

Amend Sec. 8 (Sec. 12), page 14, line 2, by striking out "] any"

Amend Sec. 8 (Sec. 12), page 14, line 3, by striking out the brackets before and after "work experience"

Amend Sec. 8 (Sec. 12), page 14, line 11, by inserting a bracket after "herein." and inserting immediately thereafter

Section 12. Allocations.

No more than 50% of any funds available annually for this program may be expended on work experience projects which are submitted by local agencies and approved by the secretary. No more than 3% of the funds available for this program may be expended on program administration.

Amend Sec. 5 (Sec. 7), page 11, line 4, by striking out the bracket before "Corpsmembers"

On the question,

Will the Senate agree to the motion?

Senator ROBBINS. Mr. President, Senate Bill No. 475 amends the Conservation Corps statute, which is otherwise scheduled to expire next June 30. While the bill makes a number of seemingly positive amendments to extend the types of projects which may be done and the types of agencies which may do them, the bill, as drafted, appears to eliminate the concept of required work as a part of the Conservation Corps program.

Senate Bill No. 475 removes from throughout the existing act reference to work experience projects and replaces it with the term, "projects." It removes the word, "employ," and substitutes the word, "enroll."

The current statute permits corps members to be excused from their work experience project for a maximum of 260 hours per 6-month term to participate in adult education, job training, and placement services. Senate Bill No. 475 removes the limitation and simply provides that corps members are to be excused as determined by the department to participate in adult education, job training, corps member development and placement services, which the department determines to be appropriate. If this change is adopted, the department, if it chooses to do so, can virtually eliminate the work experience requirement and pay corps members for such education, training, development, and placement programs as the department fancies.

I believe the importance of learning to meet a work schedule and putting in a full day's work cannot be underestimated. Existing law requires that within 2 weeks of enrollment in the corps, each corp member is to be referred to the Office of Employment Security for ability assessments, the results of which are to be provided to the department. Senate Bill No. 475 would eliminate this requirement for an ability assessment by the Office of Employment Security.

I ask you, what are we doing? Are we trying to train these young men and young ladies for a work experience where they can be productive citizens, or are we giving them another way to avoid work and receive a paycheck for a certain period of time?

Finally, current law prohibits use of Conservation Corps funds for the payment of salaries, wages, or benefits for existing employees of the department or other State and local agencies that supervise the participants working on projects. Senate Bill No. 475 removes this prohibition and presumably makes Conservation Corps funding available for use by the department for those employees who are involved with this program. This bill, in essence, permits the transfer of the limited moneys

from the Conservation Corps work experience program, dollars that are available for kids, and instead makes them available for use by departmental bureaucrats. In looking at the fiscal note and in reading the final paragraph, the fiscal impact, the current year available funds include \$6 million from the PERF fund and \$400,000 from Federal grants. The Governor's 1993-94 budget would provide an additional \$6 million from PERF and an estimated \$1.6 million in Federal funds. While the increased payments mandated by the bill will not require the Commonwealth to expend additional funds for the program, the additional \$3 million cost could limit the total number of youth who can participate in the program. I think if I have ever heard an understatement in my entire time in the legislature, that is it. And I say again, while the additional \$3 million cost could limit the total number of youth who can participate in the program, I think it will significantly reduce the number of youth who will be participating.

In my area we have had many successful projects with the Conservation Corps, and they have provided work experience and they have taught young people how to meet a time schedule. We cannot afford to waste these limited dollars and the valuable work experience these young people can receive.

My amendment, Mr. President, would revert to the current statute in these areas, and I ask for an affirmative vote on my amendment.

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

Senator JUBELIRER. Mr. President, I know the hour is late. We are tired. I am sure Members of the Senate are anxious to get through this Calendar. I really hope that Members know we need to pay attention to what we are doing here tonight, but I would remind the Members that in 1984 we came forward with a negotiated bond issue program that, frankly, I was involved in negotiating with the late great James Manderino. This was his piece of the action, the CCC. He wanted to put kids to work. He felt that this was the time when we could have this as part of that program and that it would be a work experience for young kids. I have seen this program work extraordinarily successfully in my district. I know it works well in your districts, too.

To change this program to the way the bill reads now is not only something that I think Jim Manderino would never want to see, but it would really hurt the program and would really go in a direction that we do not want to go. It virtually eliminates the work experience requirement. It turns it over to the bureaucrats. I would hope that just because the Department of Labor and Industry asked for this we would not give it to them.

I ask every Member to take a look at the amendment offered by the gentleman from Mercer, Senator Robbins, and recognize that all it does is it puts it back to where it was and where it has been. Yes, it sunsets, and we need to reconstitute it because it is a good program, but I do not think we should change what we set out to do in 1984 and what the goal of this program was, and that was to give young people a work experience

who could not get it any other way, to give them a work ethic. As we talk about on the Federal level and even on the State level things like welfare reform and teaching people how to at least want to be able to go to work, to make the change that this bill makes and to not adopt the Robbins amendment goes clearly in the face of everything that I believe both sides of this aisle have tried to do over a lot of years.

I would urge every Member to please give consideration to the amendment by Senator Robbins, which all it does is it takes it back to where it was, to the way that this was negotiated in 1984. I urge each and every Member to support the Robbins amendment and give these kids a work ethic. Do not give this to the bureaucrats. That is crazy.

Thank you, Mr. President.

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

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, prior to that, I need temporary Capitol leaves for Senator Scanlon and Senator Lewis.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Scanlon and Senator Lewis. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator LINCOLN. Mr. President, I am just starting to hit my stride. I am one of those people who does not sleep very much, so I really do not care how long we stay here and talk, but I think we should be accurate about what we talk about. If there is anybody in this room who should be ashamed of saying how much they cooperated with Jim Manderino, it should be the Republican Caucus in this Senate, because in every budget that their Governor, Dick Thornburgh, proposed, the PERF money was gone. Every budget that the Senate Republicans shoved down our throats did not include any of the PERF money. That was a negotiated item in those closed rooms where you got your 2 percent for your school districts and you got the rich districts from 5 percent minimum to 17 percent minimum. There was no concern about putting poor kids to work. There was no concern about work programs that gave them some experience. It was pure political garbage that brought these programs around. You had a strong leader in the House with a good Majority and they would not buckle under to the kind of foolishness that this Caucus on the Republican side wanted to do in the early '80s.

Take a look at how horrible it was when we passed a \$190-million bond issue that came out of the Democratic Caucus, was approved by 75 percent of the people in this State, and Dick Thornburgh refused to spend any of that money. Do not preach to me about how much you want to do for conservation. Do not preach to me how much you want to do for young

children. Do not preach to me about the PERF program, because the Republicans in this State had nothing to do with it. That is a Democratic program that was negotiated in every damn budget we had in the '80s.

Now, I want a "no" vote, a slow roll call, and I do not care if you take 2 hours to take it.

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

Senator JUBELIRER. As I said, Mr. President, the hour grows late and I think it is sad that we let those personal emotions dictate as to what the program will be. I happened to have been the Majority Leader, Mr. President, at the time this matter was negotiated. I hardly think that I caved in. In fact, it was the leadership on our side in the Senate—I am not going to speak for the House of Representatives—but certainly in the Senate, our leadership did, indeed, work with the leadership of the House Democrats to forge a coalition that, regardless of whether Governor Thornburgh wanted it or did not want it, and at the time, as I recall, they supported it. And as I recall, then Budget Secretary Bittenbender, who was sitting over here just a while ago, was very instrumental in helping to negotiate and work with us.

That is not the issue before the Senate tonight. The issue is are we going to do the right thing? This was Jim Manderino's program. Nobody had to shove anything down anybody. This, of course, was negotiated as it was. The House Majority was Democratic and the Senate was Republican. It was negotiated. I think that the program was a good program. Again, I was Majority Leader at the time and I was instrumental in helping negotiate this.

The only question before us is whether we change what that program was, and if it was a Democratic program, if the CCC was a Democratic program, fine. That is okay with me. Let us not change it. It was a good program. If we fought it at that time, we were wrong. This is a good program. It is working well. The only thing we are asked to do tonight is either accept the Robbins amendment, which keeps it precisely the way it is, it gives the kids a work experience, or we change it because the Department of Labor and Industry wants to broaden it and give the money to the bureaucrats. That is the only issue before us. This is not a Republican and Democrat issue, and it should not have to be that way. It has worked very well in the past. If it is not broken, we ought not fix it. And what this does is it really changes the entire concept of this program.

I know it is late. I know that this body tends to get awfully partisan, but I really think that this is a major mistake if we let the bureaucrats take charge of this money and take that work experience away from the kids. That is all I am saying. Let us keep it the way it is. And I know, as I say, we can disagree on a lot of things and we can be partisan maybe too many times, but let us not do it to these kids. I think the Robbins amendment is a good amendment and I would hope that the Majority Leader would at least debate the bill on the merits. That is all I am asking. Debate it on the merits. Keep it the way it is. If it was a Democratic program, take the credit for it.

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

Senator LINCOLN. Mr. President, the merits of the bill are that in 10 years, as with every other issue, there is change. The people who have the professional experience and the know-how to operate this program are saying to us that these are the changes that are needed to make the program continue to work. It is a matter of opinion, strictly opinion, on the part of the Minority Leader and the sponsor of this amendment that the amendment would make it better. Now, I have seen in the past the fact that there were enough votes in the Republican Caucus to make everything right, whether it was right or not. In this case, you are not going to have that opportunity.

This amendment is not necessary. This amendment will not make it work any better. You cannot keep things the same all the time if you do not have the money to run the program, if you have different restrictions placed on you by the Federal government, some laws that we passed. The fact that the Minority Leader is saying that this is what is right is not necessarily what makes it right. The fact that we are being told by the people who operate the program that this is what we need to make it work—and I get amused a little bit when I see people with bleeding hearts right now for all these people, these young people, when I just saw 24 consistent Republican votes to reduce taxes by \$700 million and not one damn moment did they say over there, not one time, where is the money coming from? We are going to take it away from the Conservation Corps, we are going to take it away from basic education, we are going to take it away from here, we are going to take it away from there.

I think the gentleman from Venango, Senator Peterson, might be interested, we are really listening hard to him when he talks, and his rural programs are one area where we are going to take a good, hard look to reduce taxes and reduce spending, because if you are going to offer amendments and you are going to offer emotional remarks about how wonderful a social program is—and that is what this CCC is, it is a social program—then, damn it, do not come here before me and run 10 or 12 amendments to reduce revenues and not talk about where that revenue is going to be affected and in what area. Do not play that game with me. Do not play that role. But do not always think you are right either. There is a difference of opinion on this amendment. We do not believe that it is a good amendment, and I am asking for a "no" vote.

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

Senator O'PAKE. Mr. President, on the merits and in support of the motion to defeat the amendment, I do not really know what Jim Manderino—God bless his soul—did about this, and I certainly do not know what the Republicans did about this years ago. What I do know, though, is that the corps has been tremendously successful. Ten thousand, five hundred corps members have worked and earned self-respect and earned self-confidence and got money put into their pockets for that work. Specifically, they have undertaken more than 530 projects, probably in every district here that we represent, in

urban, suburban, and rural areas. Their accomplishments include improvements of 50 miles of streams, 2,600 acres of wildlife habitat, and more than 19,000 acres of forest lands. They have constructed or renovated 533 picnic areas, 400 State Park cabins, and 6,000 miles of trails. They have helped to rehabilitate 60 historical buildings, and helped in the planting of 170,000 trees.

The amendment is unnecessary because—and I ask all my colleagues to take note—what this bill intends to do without the amendment is to put more money in the pockets not of the bureaucrats but in the pockets of the workers. One of the problems that our hearings uncovered is the fact that there is a 6-month limit of participation in the program. It is estimated that 70 percent of these young people, who come from disadvantaged families, who come from pockets of unemployment, who come from depressed areas, want to serve longer than the 6 months, but they cannot. If given the additional 6 months, we anticipate, according to the data, that 70 percent will serve longer.

Now, what are they paid? Minimum wage. What this does, this law and this proposal, if it passes the House, is it will give \$500 bonuses to the graduates at the end of the 6-month period. They would be provided paid State holidays. The crew leaders, and there are presently 68 in Pennsylvania, would be mandated to receive a \$3-per-hour increase in wages and also would get paid State holidays. So, what we are talking about is not putting money into the bureaucracy, it is putting money into the pockets of the young people who are coming from the poverty areas of Pennsylvania so that they can continue in this program and not only build their own lives but build the kinds of things the taxpayers want - people who would normally be on welfare working to achieve. That is what the bill does. It is not an expansion of the bureaucracies except to the extent that it provides more agencies the opportunity to participate, and for every dollar of State money that we put in here we get back an additional \$10 of Federal money so that the program can expand and continue.

The amendment is not necessary. As a matter of fact, there is some confusion about whether the whole accounting process would be jeopardized if the wording suggested by the gentleman is inserted. I ask that we reject the amendment, pass the bill, and get on with the business.

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I reluctantly rise, but after some of the discussion.

You know, I guess they teach you in law school—and I did not go there—that if you have a good case, you argue the facts; if you do not have a good case, you come out with lots of thunder and lots of volume, and I think we just heard that from the Majority Leader.

If my understanding is correct, one of the goals of this bill and its change is to broaden who can use it and how it can be used, and we are not changing that. The Robbins amendment does not change that. I agree with that change. But if you read through here, you know, if we want to expand this kind of

experience into the social welfare field, then let us either expand the program or make sure we get some more money in a different pot to do it.

This project has been a good project for Pennsylvania. It has been a good project for the young people of Pennsylvania, and it has worked extremely well. I have serious concerns, and it is obvious that this bill was written by some social welfare bureaucrat, and I tell you, I do not care whether they are Republican or whether they are Democrat, I get nervous when they write bills. I would be just as cautious if there was a Republican Governor giving this much power to a bureaucracy. I would not be opposed to negotiating some minor changes, but I think we are making a major step in the wrong direction, and we will rue it somewhere down the road.

Now, one other comment that was made, and I have tried when I have debated on this floor, and I know I debate often and I know there are some people whose skin I often get under, but, you know, I think the people of Pennsylvania deserve the right to hear those of us who disagree debate, and I try to never become personal. Now, I had heard through the grapevine that if I continue to speak out that I was going to pay in the budget process, and tonight I guess we heard it on the floor from the Majority Leader that they were going to look very close to the rural programs that I fight for, and in the budget process when they make cuts, that is the direction they are going to be looking. Now, that is not through the grapevine, that is right out in the world, and I guess I commend those who make those statements for being so brave. But is that what we are about? If I disagree with the Senator from Fayette County and we have a good argument here and let the people decide and the Members decide, that if I was in the power base and I could hurt him, I am going to cut programs he is for and I am going to hurt his district? Is that what State government is deteriorating to, if I cannot speak out on behalf of the people I represent on the issues that I believe in?

When I disagree with my leaders—I argue with Senator Loeper, I argue with my Members, I argue with Senator Tilghman on this floor and in the caucuses, and if I cannot debate on this floor—I do not get personal. I try not to. If I have, I am sorry, but I do not remember a case where I have been personal about it. But I think we ought to rise above that and if the Majority Leader and the Appropriations chairman disagree with me, that is fine. And if they win the vote, that is fine. But if they are offended because I share another point of view, I think that is a low day for the Pennsylvania State Senate.

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

Senator LINCOLN. Mr. President, how could anybody who participated in this charade of the 12 amendments that we went through tonight on reducing taxes with no apparent way of taking away from spending, how could anybody really be serious about the debate that we are going through right now? I do not understand that. I mean, it does not make any sense. We just faced \$700 million in revenue cuts and not one dollar in

spending cuts was proposed and where to make that from, and that was a serious discussion we just went through?

The PRESIDENT. The Chair recognizes the author of the amendment, the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I would just like to share, and I also share the concerns of the gentleman from Berks, Senator O'Pake, and the truth is that my amendments do not touch any of the issues that he addressed. What I am trying to do is keep the bureaucrats out of this program, and I think tonight, without making it a charade, and I am probably the last person who wants to be here this late at night, but when we start talking about our youth and all the rhetoric that goes on about education, the truth is if there is one thing that is missing in their lives, it is a work ethic, the ability to meet a schedule, a time schedule, the ability and the discipline of having to hit a time clock, to be somewhere at a certain period of time, to do certain things at certain periods of time. And I think one of the best programs, and whoever was the author, one of the best programs we have put in since I have been in Harrisburg is the Conservation Corps, to teach people to meet a time schedule, where they had to do some physical work, where they had to learn some job skills, and I just want to see the program remain particularly in that area the way it was. I think it is extremely valuable, and I think it does more than almost any other program we have put out there. And if I can save a few more dollars to let two more kids, two more young people be able to face life in the future and be able to, in fact, earn a living down the road, then it is well worthwhile and it is well worth the debate that we are putting in tonight.

I certainly thank you for allowing me the opportunity to, again, offer the amendment, and I hope we will vote for it.

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

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

YEAS—24

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

NAYS—25

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

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

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Bortner.

Are there requests for leaves from the Minority?

Senator JUBELIRER. Mr. President, I request a temporary Capitol leave for Senator Salvatore.

The PRESIDENT. Senator Jubelirer requests a temporary Capitol leave for Senator Salvatore.

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

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

On the question,
Shall the bill pass finally?

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

Senator JUBELIRER. Mr. President, I urge the Members to vote in the affirmative for Senate Bill No. 475. I made the argument and we believe that the Robbins amendment was the appropriate way to go; however, this is a sunset bill. There are some extensions here that certainly we can support, and it is an important piece of legislation. Even though the amendment failed, I think it is important that we at least pass this legislation, and perhaps, Mr. President, in its wisdom, the House of Representatives will make the changes that we suggested this evening.

Thank you, Mr. President.

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

Senator RHOADES. Mr. President, will the gentleman from Berks, Senator O'Pake, stand for brief interrogation?

The PRESIDENT. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator RHOADES. Mr. President, during the debate on the amendment it was stated that the changes that would be made were the wages would be increased, there would be paid holidays, and a \$500 bonus would be added. Is that correct?

Senator O'PAKE. Mr. President, that is my understanding. Yes.

Senator RHOADES. Mr. President, has there been a cost analysis of how much additional money this will cost versus, shall we say, the productive output of work?

Senator O'PAKE. Mr. President, yes. That is in the fiscal note that was done by the Committee on Appropriations.

Senator RHOADES. Mr. President, is this the one here on this desk?

Senator O'PAKE. Mr. President, I do not know what is on the gentleman's desk.

Senator RHOADES. Mr. President, I guess the question I would have, I see now the additional \$3 million cost which would limit the total number of youth who can participate in the program, and it just has why the increased payments mandated by the bill will not require the Commonwealth to expend additional funds, but do we know how much we are getting out in terms of kids who are participating in the program versus what the increase in wages and benefits and holidays will cost for those who could not participate because of the additional supplement?

Senator O'PAKE. Mr. President, what is the question?

Senator RHOADES. Mr. President, well, I guess what I am saying is we are going from \$4.25 up to, what, \$8 an hour, \$7 an hour?

Senator O'PAKE. Mr. President, that is for the crew leaders.

Senator RHOADES. Mr. President, how about the paid holidays?

Senator O'PAKE. Mr. President, 68 crew leaders.

Senator RHOADES. Mr. President, in other words, the kids participating in the program will not have a wage increase?

Senator O'PAKE. Mr. President, they are going to get a \$500 bonus at the completion of 6 months to encourage them to continue for another 6 months.

Senator RHOADES. Mr. President, then what do they get at the end of that 6 months, another \$500?

Senator O'PAKE. Mr. President, yes. After another 6 months, he gets another \$500.

Senator RHOADES. Mr. President, how about paid holidays? Is that just for the crew leaders or is that for the kids?

Senator O'PAKE. Mr. President, paid State holidays to the 10,500-and-some students or corps members who have served.

Senator RHOADES. How about their hourly--

Senator O'PAKE. Mr. President, in further elaboration, I have to point out, in fairness, that for every dollar that has been spent on this program it has returned \$1.81 in finished product, and for every State dollar invested we leveraged \$10 in Federal funding, so that as the program expands, this is going to make possible more Federal money for these kinds for work service projects which build the character of the young people as well as build public service projects, and that is why it is a good program.

Senator RHOADES. Mr. President, would I not be able to build more public programs and projects with more kids than I would be paying--

Senator O'PAKE. Mr. President, not if the wages and benefits were so low that people were not attracted to work there.

Senator RHOADES. Mr. President, well, I thought this was such a good program?

Senator O'PAKE. Mr. President, yes, and we are trying to make it better, and permanent.

Senator RHOADES. Mr. President, well, I think we have problems by putting more money into the program and not

getting a finished product, or, shall we say, productivity out of it.

Thank you, Mr. President.

Senator O'PAKE. Mr. President, that is the gentleman's opinion.

Senator TILGHMAN. Mr. President, I was going to speak on this bill before, and Senator Robbins' amendment, which I supported. I also support the continuation of the Conservation Corps. I happen to think that this piece of legislation is poorly drafted and badly written. I do not think it does the job, and for that reason I am going to vote in the negative.

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—43

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

NAYS—6

Bell	Peterson	Shaffer	Tilghman
Mowery	Rhoades		

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

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

SB 503 (Pr. No. 1040) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 29, 1803 (P. L. 542, No. 156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for power of commissioners to license pilots, for rules of disputes, for review of proceedings, for neglect of duties and for disabled vessels; providing for inactive status, for refresher training, for grounds for discipline, for disciplinary sanctions, for additional pilotage, for compulsory pilotage and for penalties; and making repeals.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 515 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL REREFERRED

HB 559 (Pr. 1208) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for lottery sales agents; and providing for certain applications for lottery machines and for a compact to sell tickets.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 691 (Pr. No. 742) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1993-1994.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Fumo	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Salvatore
Armstrong	Hart	Mellow	Scanlon

Baker	Helfrick	Mowery	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Jones	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Bortner	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Corman	Lewis	Punt	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher			

NAYS—0

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

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

BILLS OVER IN ORDER

SB 724 and **SB 801** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 6 (Pr. No. 1071) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Statewide youth apprenticeship program; creating the State Youth Apprenticeship Council as a subcommittee of the State Board of Education; designating the Department of Education as the administrative agency for the State Youth Apprenticeship Council; outlining the creation and participation of regional councils to support the development of youth apprenticeship programs; and providing guidelines for the administration and operation of the program.

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

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

BILL ON SECOND CONSIDERATION

SB 176 (Pr. No. 930) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, creating the Pennsylvania Code of Evidence.

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

BILLS REREFERRED

SB 375 (Pr. 398) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for use of funds by the State Public School Building Authority; and providing

for financing for school building property and for leasing of telecommunications and distance learning equipment.

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

SB 376 (Pr. 399) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Distance Learning Commission to formulate a State distance learning policy; conferring powers and duties on the Department of Education; and making an appropriation.

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

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 625 (Pr. No. 1072) — The Senate proceeded to consideration of the bill, entitled:

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

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

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

BILL OVER IN ORDER

SB 677 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 711 (Pr. No. 1073) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a nonprofit school breakfast program.

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

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator AFFLERBACH, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

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

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, LaRoy G. Davis, 1203 Roberts Avenue, Feasterville 19053, Bucks County, Sixth Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

January 25, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph M. Gnall, D.C., 203 Davis Street, Taylor 18517, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL**

February 5, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph M. Cognetti, 238 Vassar Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

March 25, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald J. Haskell, Jr., Esquire, 29 East Princess Street, York 17403, York County, Twenty-eighth Senatorial District, for appointment as District Justice, in and for the

County of York, Magisterial District 19-1-04, to serve until the first Monday of January 1996, to fill a new position due to realignment.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

March 25, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara H. Nixon, 312 North Newberry Street, York 17404, York County, Twenty-eighth Senatorial District, for appointment as District Justice, in and for the County of York, Magisterial District 19-1-05, to serve until the first Monday of January 1996, to fill a new position due to realignment.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jerald S. Batoff, Esquire, 533 Spring Mill Road, Villanova 19085, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Edward J. Manley, Clarks Summit, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leon L. Haley, Ph.D., 6863 Meade Street, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice James W. Wiley, Harleysville, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Noone, 406 Sioux

Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Harry F. Lee, Esquire, Stroud Township, whose term expired.

ROBERT P. CASEY
Governor

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

March 12, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia B. Heasley, 318 Parkway, Erie 16511, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

April 7, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Nicholas J. Maiale, 1538 Emily Street, Philadelphia 19145, Philadelphia County, Eighth Senatorial District for appointment, as a member of the State Employees' Retirement Board, to serve for a term of four years, and until his successor is appointed and qualified, vice Christine Crist, Camp Hill, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE HEALTH POLICY BOARD

March 18, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Freeman, 3715 Winthrop Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of two years and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

ROBERT P. CASEY
Governor

MEMBER OF THE HEALTH
POLICY BOARD

March 18, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul Krissel, 1284 High Street, Boiling Springs 17007, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of one year and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

ROBERT P. CASEY
Governor

MEMBER OF THE HEALTH
POLICY BOARD

March 18, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leo R. McDonough, 263 Maple Avenue, Pittsburgh 15218, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of one year and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

ROBERT P. CASEY
Governor

MEMBER OF THE HEALTH
POLICY BOARD

March 18, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Sorrell, 400 West Hortter Street, Unit 301, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

ROBERT P. CASEY
Governor

MEMBER OF THE HEALTH
POLICY BOARD

March 18, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robyn Speak Walsh, 1425 Gwynedale Way, Lansdale 19446, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of two years and until her successor

is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

ROBERT P. CASEY
Governor

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

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julia A. Ansill, 217 Fourth Street, California 15419, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1996 and until her successor is appointed and qualified.

ROBERT P. CASEY
Governor

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

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Muriel M. Berman, 2000 Nottingham Road, Allentown 18103, Lehigh County, Sixteenth 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 her successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brenda Marsha Jefferson Jackson, 7015 Boyer Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1995, and until her successor is appointed and qualified, vice Ronald S. Mintz, Esquire, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark S. Schwartz, Esquire,

1044 Claire Avenue, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1998, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David L. Tressler, Sr., 25 Oakford Glen, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1999, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Yenchko, 781 Lincoln Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Augustus Hatzas, R. D. #9, Box 9085, Reading 19605, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

March 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas W. Zaucha, 100

Windsor Lane, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice David R. Lord, Franklin, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER

March 22, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman Jean Scurry, 516 Elk Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Dr. Mary Jane Kinoshian, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

February 19, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary R. Lucht, 1300 Fieldcrest Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Alfred W. Jacobs, Jr., Mechanicsburg, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

April 7, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William C. Reiley, Esquire (Public Member), 1715 West Norwegian Street, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William E. Whitesell, Ph.D., Lancaster, resigned.

ROBERT P. CASEY
Governor

NOMINATIONS LAID ON THE TABLE

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

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

**COMMUNICATION FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator AFFLERBACH, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

April 22, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 15, 1993 for the appointment of Andrew B. Cantor, Esquire, 224 Waring Road, Elkins Park 19117, Montgomery County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1994, vice The honorable Anita B. Brody, resigned.

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

ROBERT P. CASEY
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

**UNFINISHED BUSINESS
RESOLUTION REPORTED FROM COMMITTEE**

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

SR 9 (Pr. No. 787)

A Concurrent Resolution directing the Joint State Government Commission to study the issues surrounding violence as a public health concern and creating a task force.

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

REPORTS FROM COMMITTEE

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

SB 307 (Pr. No. 1116) (Amended) (Rereported)

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

SB 754 (Pr. No. 817)

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

SB 755 (Pr. No. 818)

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L., 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 756 (Pr. No. 819)

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 757 (Pr. No. 820)

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled, "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 758 (Pr. No. 821)

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

SB 759 (Pr. No. 822)

An Act making appropriations to the Hahnemann University, Philadelphia.

SB 760 (Pr. No. 823)

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

SB 761 (Pr. No. 824)

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

SB 762 (Pr. No. 825)

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

SB 763 (Pr. No. 826)

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

SB 764 (Pr. No. 827)

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

SB 765 (Pr. No. 828)

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

SB 766 (Pr. No. 829)

An Act making an appropriation to the Philadelphia College of Textiles and Science.

SB 767 (Pr. No. 830)

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

SB 768 (Pr. No. 831)

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown.

SB 769 (Pr. No. 832)

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

SB 770 (Pr. No. 833)

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

SB 771 (Pr. No. 834)

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

SB 772 (Pr. No. 835)

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

SB 773 (Pr. No. 836)

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

SB 774 (Pr. No. 837)

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

SB 775 (Pr. No. 838)

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

SB 776 (Pr. No. 839)

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

SB 777 (Pr. No. 840)

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

SB 778 (Pr. No. 841)

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

SB 779 (Pr. No. 842)

An Act making an appropriation to the Lancaster Cleft Palate.

SB 780 (Pr. No. 843)

An Act making an appropriation to the Pittsburgh Cleft Palate.

SB 781 (Pr. No. 844)

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

SB 782 (Pr. No. 845)

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

SB 783 (Pr. No. 846)

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

SB 784 (Pr. No. 847)

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

SB 785 (Pr. No. 848)

An Act making an appropriation to the Beacon Lodge Camp.

SB 786 (Pr. No. 849)

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

SB 787 (Pr. No. 850)

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

SB 788 (Pr. No. 851)

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

SB 789 (Pr. No. 852)

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

SB 790 (Pr. No. 853)

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

SB 791 (Pr. No. 854)

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

SB 792 (Pr. No. 855)

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

SB 793 (Pr. No. 856)

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

HB 473 (Pr. No. 524) (Rereported)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, making it unlawful to act as an associated person unless registered; establishing an exemption from registration for associated persons; revising certain exemptions for transactions in securities; and authorizing imposition of monetary assessments.

HB 606 (Pr. No. 654)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of the Attorney General.

HB 607 (Pr. No. 655)

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

HB 608 (Pr. No. 656)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

SENATE CONCURRENT RESOLUTION

**ESTABLISHING A MAGNETICALLY LEVITATED
HIGH SPEED GROUND TRANSPORTATION
(MAGLEV) CAUCUS IN THE GENERAL
ASSEMBLY**

Senators DAWIDA, FISHER, BODACK, HART, SCANLON, BELAN and SHAFFER offered the following resolution (Senate Concurrent Resolution No. 48), which was read, considered and adopted:

In the Senate, April 26, 1993

A CONCURRENT RESOLUTION

Establishing a Magnetically Levitated High Speed Ground Transportation (MAGLEV) Caucus in the General Assembly.

WHEREAS, Both the Federal Government and independent sources predict that the United States of America faces a major transportation crisis in the near future that will severely impede this Commonwealth's ability to compete in world markets; and

WHEREAS, This crisis will negatively affect the quality of life of Pennsylvania citizens, economic opportunities and the availability and quality of jobs in this Commonwealth; and

WHEREAS, Most transportation experts agree that MAGLEV is the most promising answer to our country's long-term transportation and infrastructure problem, while at the same time providing America with the best opportunity to develop a new industry and tens of thousands of jobs which enable those workers to adequately support their families; and

WHEREAS, The most advanced program to develop and manufacture MAGLEV in this country is located in Pennsylvania, spearheaded by MAGLEV, Inc.; and

WHEREAS, MAGLEV, Inc. is the first partnership between the public sector, private sector and labor in America created in response to the ever-growing need to provide new transportation solutions to the escalating problems of highway and airport congestion and the associated energy concerns with the ultimate goal being to create a new industrial base and a network of high speed MAGLEV systems to connect major metropolitan cities, ports, airports and long distance rail centers; and

WHEREAS, The appealing characteristics of MAGLEV, which make it the system of choice, are its all-weather capability, low energy consumption, environmentally clean operation, ability to climb grades and bank sharp turns, low maintenance, narrow right-of-way requirements and elevated structures which do not disrupt the landscape or cut farms; and

WHEREAS, Studies indicate that the raw materials, manufacture of the system, the construction, operation and maintenance of the system will create 70,000 jobs in this Commonwealth over the next 25 to 30 years; and

WHEREAS, Congress passed as part of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914), a \$750 million MAGLEV demonstration program which will finance one demonstration project on a competitive basis to be completed by 1998; and

WHEREAS, The General Assembly appropriates \$2 million to help lure the Federal transportation dollars to expedite construction of the proposed MAGLEV train; and

WHEREAS, MAGLEV technology originated in the United States, but through failure to capitalize on it, the opportunity for this basic industry was nearly lost; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly establish a MAGLEV Caucus to support the creation of a MAGLEV industry in the Commonwealth and to assist in securing Federal funds for the development of a MAGLEV system, including the proposed demonstration project in Allegheny County; and be it further

RESOLVED, That the General Assembly support the MAGLEV project in Allegheny County and will provide the matching dollars required to secure the Federal funding made available to design and build a MAGLEV demonstration; and be it further

RESOLVED, That the Caucus be initially composed of a member appointed by the Majority Leader of the Senate, a member appointed by the Minority Leader of the Senate, a member appointed by the Majority Leader of the House of Representatives and a member appointed by the Minority Leader of the House of Representatives to serve as caucus officers.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Widener University Student Volunteer Services Program and to Parkside Retired Men's Group by Senator Bell.

Congratulations of the Senate were extended to Melissa Blazina and to Dara Johnson by Senator Dawida.

Congratulations of the Senate were extended to the Center for Literacy by Senator Fattah.

Congratulations of the Senate were extended to Whitehall Public Library of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to the Eastern Regional Office of the Pennsylvania State Civil Service Commission by Senator Fumo.

Congratulations of the Senate were extended to the citizens of Warrington Township and to Titus Elementary School of Warrington by Senator Greenleaf.

Congratulations of the Senate were extended to Kenneth J. Tyson, Patrolman Joseph M. Nixon and to the Arnold Police Department by Senator Hart.

Congratulations of the Senate were extended to Chris Piper and to Hollidaysburg Catholic School by Senator Jubelirer.

Congratulations of the Senate were extended to Brian Lee McIntosh by Senator LaValle.

Congratulations of the Senate were extended to Jason I. Williams by Senator Lincoln.

Congratulations of the Senate were extended to Lon Glover, Chrissy Acampora and to Paula Piatt by Senator Madigan.

Congratulations of the Senate were extended to James T. Coffey, Marlene Bobar, Richard Fanucci, Corey Michael Carrera and to Donald Rosenkrans by Senator Mellow.

Congratulations of the Senate were extended to John M. Amico and to Leonard Basara by Senator Musto.

Congratulations of the Senate were extended to Regina Bonomo, Thomas Zawadski and to Angelo Montante by Senators Musto and Mellow.

Congratulations of the Senate were extended to Fred J. Lamberti by Senator Pecora.

Congratulations of the Senate were extended to Nicholas Snyder and to John Lattanzio by Senator Porterfield.

Congratulations of the Senate were extended to H. Robert Daws by Senator Reibman.

Congratulations of the Senate were extended to Joseph Radziewich, Amy Fleischer, Ryan Conrad, Bob Cohen, Matt Rimsky, Chris Klupp, Ralph Schoch, Jodi Hunsicker, Tiffany Jefferson, Trista Felty, Julianne Marencic, Jonathan Merchant, Jason Zerbe and to Victor Baddick by Senator Rhoades.

Congratulations of the Senate were extended to the Meadville High School Hockey Team by Senator Robbins.

Congratulations of the Senate were extended to the Lawrence County Chapter of the American Red Cross of New Castle by Senator Shaffer.

Congratulations of the Senate were extended to Doris Reid Campbell, Stephanie Brown Lyles, Chirena Diamond Lyles and to Carol Johnson Hunter by Senator Shumaker.

Congratulations of the Senate were extended to Robert B. Fulton by Senator Stapleton.

Congratulations of the Senate were extended to Reverend Monsignor Joseph Howard Fleming by Senator Stewart.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Commissioner Ervin E. Phelps and to the family of the late Lizzie Q. Williams by Senator Jones.

BILLS ON FIRST CONSIDERATION

Senator LINCOLN. 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 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, HB 606, 607 and 608.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT. The next order of business is Petitions and Remonstrances. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I will be but an hour or two.

(Laughter.)

Senator BRIGHTBILL. Mr. President, back in the early part of this year I wrote a letter to Secretary Thomas P. Foley of the Department of Labor and Industry, and I never received a response from Secretary Foley, which is the reason that I am here in Petitions and Remonstrances. I did receive a letter dated February 23, 1993, from someone named Mark Leitzel, who is the Director of Legislative Affairs, and apparently I was not important enough for Mr. Foley to respond to, so he responded for Secretary Foley. In fact, he says that at the beginning of the letter, saying, "Secretary Thomas P. Foley has requested that I respond to your letter of February 10, 1993...." I would really appreciate it if Secretary Foley would take an interest in this issue simply because I think it is so important.

What happened today, Mr. President, is that in the Commonwealth Court case of Schaefferstown Area Quality of Life Committee vs. Industrial Board of the Department of Labor and Industry, et al., Judge David Craig handed down an injunction enjoining a firm named Koch Hydrocarbon Company from

filling and otherwise operating its refrigerated propane storage facilities in Heidelberg Township, Lebanon County. And this injunction will continue until the Department of Labor and Industry shall have, in accordance with the Commonwealth Documents Law, promulgated regulations in accordance with the Liquefied Petroleum Gas Act and the Administrative Code.

Now, Mr. President, this is an issue that has been before this Senate on several occasions, once before this year and on several occasions last year. The background of this issue, very simply, is that without regulatory authority, and using a kind of jury-rigged approach, the Department of Labor and Industry permitted Koch Hydrocarbon to go ahead and construct a facility in Heidelberg Township, Lebanon County, Pennsylvania, that would consist of two 250,000-barrel refrigerated liquid propane gas storage tanks. What we got to the Senate, what I attempted to do by amendment to an Administrative Code bill was to prohibit them from operating those tanks until such time as there had been regulations made by the Department of Labor and Industry and until such time as they complied with those regulations. I got knocked down on part of this. The Senate, in my judgment, perhaps erroneously, decided that they could go ahead and operate but that regulations should go ahead and be made.

I would like to read some of the findings of fact pertaining to this preliminary injunction, because I think it is important that it be placed on the record of this Commonwealth what some of these findings of fact are.

Number 18 says simply this: "Because propane vapor is heavier than air, it can flow down paths of lowered elevation in the topography toward adjacent properties in the vicinity where the vapor, if not entirely dispersed by atmospheric conditions, would present a danger of fire or explosion.

"19. The premises in this case are located on a site which is higher in elevation than many of the adjacent properties around it. There are a substantial number of residences within a distance between one-quarter mile and one-half mile from the refrigerated LPG tanks which have been erected." By the way, you will find these same facts in my debate on these issues last year.

"21. The two refrigerated LPG storage tanks are surrounded by earthen dikes. The volume enclosed by the dikes is less than the volume which would be occupied by the propane gas in a vapor state. The accumulation of storm water within the dikes would reduce the volume available within the dikes for retention of propane gas."

I will go on here.

"25. The department selected an independent third party consultant, Pressure Sciences, Inc., (PSI) and required Koch to enter into a contract with PSI to monitor the facility, its construction and proposed operation for the purpose of compliance with the specially adopted standards and safety."

"27. In view of the location—" and this is important to the Members "--of the premises, its relationship to dwellings and other human habitations and activities in the vicinity, the topography, there is not at present a reasonable assurance that operation of the facility would be safe with respect to lives and

property in the event of inability to retain control of the propane by means of keeping it in a liquid state by refrigeration."

This is Judge Craig's one finding of fact. It would not be safe.

Now, No. 29 goes on to talk about the PSI report, and it says this: "...PSI reported its conclusion that the design and construction of the facility complies with standards API 2590 and NFPA 58, listed in Finding No. 6 above, as adopted by the Industrial Board...."

Now, here is the important part of the letter sent to me by Mr. Leitzel. Mr. Foley, I would really appreciate it if you would pay attention to this because it is very important to your constituents as well as it is to my constituents.

The opinion goes on to say that, "No such regulations exist or have been adopted." Now, that is important, Mr. Foley, because you know that, or you should know that if you are doing your job. But here is what Mr. Leitzel says you are saying in his February 23, 1993, letter: "Please be advised the Department is now in the process of developing amendments to the Liquefied Petroleum Gas Act which would adopt the most current National Fire Protection Association (NFPA) 58 standard for the storage and handling of liquefied petroleum gases. This NFPA standard specifically addresses above-ground refrigerated low-pressure propane storage facilities."

Then it goes on to say, "The Department anticipates completing the proposed law amendments by April 1993 with submission to the Pennsylvania General Assembly soon thereafter. In view of the fact that the Department has chosen to amend the existing LP Gas Act rather than pursue the much longer regulatory adoption process, the decision to hold public hearings must be made by the appropriate legislative committees."

In other words, according to Mr. Leitzel, Mr. Foley, what you have decided to do is to not adopt regulations but rather to adopt the NFPA 58 standard.

Now, here is what is interesting about Judge Craig's decision, because he is an impartial party and he has made a decision and he has made certain factual findings, and his findings are these: Paragraph No. 29 finds that the Koch facility now complies with the NFPA 58 standards. However, Finding No. 27 says that even though it complies with the NFPA standards, it is not safe with respect to lives and property in the event of inability to retain control of the propane by means of keeping it in a liquefied state by refrigeration. In other words, His Honor, Judge Craig, has said that NFPA 58, which your staff wants you to endorse as to control this situation, is not adequate, Mr. Foley.

Now, Mr. Foley, I ask you to come forward and I ask you very squarely, is this truly what you want to do? Do you want to put your constituents and mine in a position where they are being controlled by a law which Judge Craig says is not safe?

Now, here again, here is what Judge Craig said: "Here instead, by the efforts of the parties, the department and its boards have cast about for the best available private industry standards and adopted them, but without the safeguards of public notice and hearing required for official regulations."

Mr. Foley, that is a serious criticism of your department.

In addition, here is what Judge Craig said: "Further, the only determination of compliance with the private industry regulations thus adopted has been the report of the expert Pressure Sciences Incorporated, concluding that there is compliance with those private industry standards, which, although extensive, do not cover all relevant aspects."

Listen to those words, Mr. Foley. They do not cover all relevant aspects.

Mr. Foley, we have gone around the track here in this General Assembly. I am glad to see that what we did last year was indeed important, because on page 25 of the opinion the court says, "The alternative goal of the objectors, to permit the operation of the plant only if there is assurance of safety, should not be left to this court when the legislature has so recently exclusively declared that this particular type of facility—refrigerated storage of propane—shall be allowed or prohibited according to regulations to be adopted by the department in accordance with the safeguards surrounding the promulgation of quasi-legislative regulations."

Mr. Foley, what is crying out here? This situation is crying out for one thing: start doing your job. Let us get behind an effort to provide for safe facilities. Let us not let the bureaucrats operate as they have. This opinion says they have not done their job. They are your representatives; they are the representatives of Governor Casey. Mr. Foley, start doing your job.

Now, you sent me a letter on February 23, 1993, and what did you say in that letter, or what did Mark Leitzel say you said? No, you are not going to do your job. You are going to try to do this the easy way. Well, when it comes to safety and when it comes to the lives of the constituents of Robert Casey and Chip Brightbill, there is no easy way.

Mr. Foley, I call on you to repudiate Mr. Leitzel's letter of February 23, 1993, and I call on you to begin the process of regulation, and I call on you to stand up for the constituents whom you are supposed to be representing.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, for the last few weeks I have heard people—I have not publicly said it, but I have heard people—around this Capitol talk about Democratic gridlock. I believe it was not until late last week before a bill finally reached the Governor's desk, and I guess that has maybe for a decade been the longest time it took the legislature to do that, and it was all controlled by one party. But I do not think that is really important because I have historically said we pass more bad bills than good bills, and our people would be better served if we were more thoughtful and debated the issues more and passed less legislation.

But that all changed on April 26, 1993. The Democratic agenda for change got into high gear. The taxpayers and citizens of Pennsylvania better look up and beware, for in one day four major things happened that I think are worth mentioning. Now, I would say for volume or quantity I would give the new

leadership an A, but for quality, I guess I would say today's agenda brings forth a failing grade, an E.

We ran over local governments with Senate Bill No. 399. We fixed a problem that did not exist, that nobody wanted fixed. We forced local governments in the future to raise taxes. But what did we do to help those in western Pennsylvania, where unemployment in some counties is 11, 12, 13, 14, and 15 percent? What did we do to give some hope to businesses that are leaving this State faster than they can pack their bags? What did we do to stop companies from cutting back in Pennsylvania and expanding in other States because we are no longer job friendly? We offered today a series of potential business tax cuts, one at a time. Now, the total you may say is irresponsible, but one at a time we gave this General Assembly a chance to send a message to the business world that there were some kinds of business taxes that we were willing to cut.

Now, we have surpluses to deal with and we also had an amnesty program that would have produced \$70 million that was ready if we could have just found, just found one tax that you did not like. But I think this General Assembly's Members carbon the Clinton administration, which never met a tax that they did not like. And I think you will see that as time goes on. So today we did not give that little flicker of hope to the business community by finding one business tax that we could cut.

I, tonight, voted against the Conservation Corps bill, not because I do not support that bill. I support that bill as much as any bill that came before this General Assembly, but we have ruined it. We ruined it. We took a good program that worked, that was successful, and we let the social welfare liberals get involved in it and make it a social program, and we are going to do a lot less good in Pennsylvania. For that reason, I voted "no."

And then one thing more happened. The citizens from rural Pennsylvania, and I do not know whether they are earmarking any part of rural Pennsylvania, but a message is on the record tonight for the citizens from rural Pennsylvania that programs are going to be looked at very hard in the budget process because some of us from rural Pennsylvania speak out when we do not agree with what is going on.

Did we see any effort to deal with workmen's comp? I hear the conference committee has not met. Have we talked about throttling the regulators and the bureaucrats who are choking business in this State? No. And we even turned down a chance to start to send some message for business tax reduction or business tax fairness.

Today's agenda for change is an agenda for change and I do not understand how bad it has to get, I do not understand how many jobs have to leave western Pennsylvania and go to Maryland and West Virginia and Ohio and southern New York State. I do not know how bad it has to get before some people will put on the priority list of what we are going to do in Pennsylvania preservation of jobs for our people and allow companies to operate here at a profit and let our citizens have the basic thing they all want - a job.

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 ENVIRONMENTAL
HEARING BOARD**

April 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years and until her successor is appointed and qualified, vice Terrance J. Fitzpatrick, Esquire, Hummelstown, resigned.

ROBERT P. CASEY
Governor

**JUDGE, MUNICIPAL COURT
OF PHILADELPHIA**

April 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Aaron Charles Finestone, 9921 Bustleton Avenue, Apartment J-12, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January, 1994, vice The Honorable William J. Brady, Jr., mandatory retirement.

ROBERT P. CASEY
Governor

PROTHONOTARY, WESTMORELAND COUNTY

April 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ron Diehl, 403 Vine Street, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Prothonotary, in and for the County of Westmoreland, to serve until the first Monday of January 1994, vice Stephen Mikosky, deceased.

ROBERT P. CASEY
Governor

PENNSYLVANIA SECURITIES COMMISSION

April 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Elliott, Esquire, 6112 Butler Pike, Blue Bell 19422, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 1995, and until his successor is appointed and qualified, vice Frederick H. Plank, McMurray, whose term expired.

ROBERT P. CASEY
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE FACILITY
HEARING BOARD**

April 26, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1993 for the appointment of Maura Tobin, 4591 Sequoia Drive, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the State Facility Hearing Board, to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

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

ROBERT P. CASEY
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS****TUESDAY, APRIL 27, 1993**

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 871 and House Bill No. 100)	Room 8E-A Hearing Room East Wing
9:30 A.M.	FINANCE (Confirmation Hearing of Trevor Edwards to the State Tax Equalization Board and Senate Bill No. 993)	Room 461 4th Floor North Wing

10:00 A.M.	LOCAL GOVERNMENT (to consider House Bill No. 318, and any other business that may come before the Committee)	Room 14-E Hearing Room East Wing
10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 701, 702, 703, 704, 705, 863 and 908)	Senate Maj. Caucus Room
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 7, 621 and 643; and House Bills No. 22 and 110)	Room 8E-A Hearing Room East Wing
10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 244, 311 and 627)	Room 8E-B Hearing Room East Wing
11:30 A.M.	JUDICIARY (to consider nomination of Marianne McManus, Crime Victim's Compensation Board; and Senate Bills No. 313, 398, 569, 839, 984 and Senate Resolution No. 43)	Room 8E-B Hearing Room East Wing
12:30 P.M.	EDUCATION (to consider House Bill No. 129) POSTPONED	Room 461 4th Floor North Wing
2:30 P.M.	INTERGOVERNMENTAL AFFAIRS (to consider Senate Resolutions 32 and 33)	Room 461 4th Floor North Wing
<u>WEDNESDAY, APRIL 28, 1993</u>		
9:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 864 and 1008; and the nomination of Francis P. Bonner, Unemployment Compensation Board)	Room 461 4th Floor North Wing
9:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 378, 601, 606 and 862; and House Bills No. 65 and 111)	Room 8E-A Hearing Room East Wing
12:00 NOON	APPROPRIATIONS (Budget Hearing - Fish and Boat Commission)	Senate Maj. Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Game Commission)	Senate Maj. Caucus Room
1:00 P.M.	JUDICIARY (Joint Senate and House Judiciary Committee to review the Annual Report of the Pennsylvania Crimes Commission)	Room 461 4th Floor North Wing
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Senate Maj. Caucus Room
<u>WEDNESDAY, MAY 5, 1993</u>		
1:00 P.M.	COMMUNICATIONS AND HIGH TECHNOLOGY (an informational briefing from PUC & Deloitte & Touche officials on the Telecommunications Infrastructure Study)	Room 8E-A Hearing Room East Wing
<u>MONDAY, MAY 17, 1993</u>		
9:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider minorities and managed care)	Temple Univ. 13th & Cecil B. Moore Ave Phila., PA

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Tuesday, April 27, 1993, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6 p.m., Eastern Daylight Saving Time.