

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

FRIDAY, MAY 28, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 33

SENATE

FRIDAY, May 28, 1993

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Lord God, king of heaven and earth, guide, direct, and sanctify our hearts, minds, and bodies, and all the words and works of this day.

May we live according to Your divine will, and, with Your help, may we merit Your eternal blessing. Amen.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair first recognizes the gentleman from Fayette, Senator Lincoln, for the purpose of leaves.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Reibman and Senator Scanlon.

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 Baker.

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

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

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

LEAVES OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 27, 1993.

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

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

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

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

YEAS—47

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

NAYS—0

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

The PRESIDENT. The Journal is approved.

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:

May 27, 1993

Senators FUMO, O'PAKE and HART presented to the Chair **SB 1158**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for payments with acknowledgments of guilt.

Which was committed to the Committee on GAME AND FISHERIES, May 27, 1993.

Senators FUMO, O'PAKE and HART presented to the Chair **SB 1159**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for payments with acknowledgments of guilt.

Which was committed to the Committee on GAME AND FISHERIES, May 27, 1993.

Senators FUMO and O'PAKE presented to the Chair **SB 1160**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Con-

solidated Statutes, further providing for legislative approval of proposed expenditures from the Game Fund.

Which was committed to the Committee on GAME AND FISHERIES, May 27, 1993.

Senators FUMO and O'PAKE presented to the Chair **SB 1161**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for legislative approval of proposed expenditures from the Fish Fund and the Boat Fund.

Which was committed to the Committee on GAME AND FISHERIES, May 27, 1993.

Senator PUNT presented to the Chair **SB 1162**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for suit by taxpayer.

Which was committed to the Committee on EDUCATION, May 27, 1993.

Senators PUNT, HART, JUBELIRER, FISHER and MOWERY presented to the Chair **SB 1163**, entitled:

An Act establishing the Teacher Scholars Commission and providing for its powers and duties; establishing the Teacher Scholars Program; providing for loan forgiveness awards; and making appropriations.

Which was committed to the Committee on EDUCATION, May 27, 1993.

Senators PUNT, LAVALLE, HART, JUBELIRER, CORMAN, FISHER, MOWERY, BAKER, HELFRICK, WENGER and LOEPER presented to the Chair **SB 1164**, entitled:

An Act granting a tax credit to business firms and private companies which make qualified investments in a school or school districts; and providing for powers and duties of the Department of Education and the Department of Revenue.

Which was committed to the Committee on EDUCATION, May 27, 1993.

Senators PUNT, JUBELIRER, HELFRICK, SALVATORE and FISHER presented to the Chair **SB 1165**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for school breakfast and lunch programs, for nutrition education and for technical support services.

Which was committed to the Committee on EDUCATION, May 27, 1993.

Senator FATTAH presented to the Chair **SB 1166**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for community college reimbursement payments.

Which was committed to the Committee on EDUCATION, May 27, 1993.

Senators ANDREZESKI and LINCOLN presented to the Chair **SB 1167**, entitled:

An Act amending Titles 24 (Education) and 71 (State Govern-

ment) of the Pennsylvania Consolidated Statutes, further providing for the compensation of certain employees and for membership of the State Employees' Retirement Board.

Which was committed to the Committee on FINANCE, May 27, 1993.

Senators MADIGAN, HELFRICK, STAPLETON, REIBMAN, FISHER, SHUMAKER and ROBBINS presented to the Chair **SB 1168**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring the Department of Transportation to reset any property line marker or monument disturbed by or removed by construction.

Which was committed to the Committee on TRANSPORTATION, May 27, 1993.

APPOINTMENT BY MINORITY LEADER

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

Senator Harold F. Mowery as a member of the General State Authority.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Mowery 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 Mowery. The Chair hears no objection. The leave will be granted.

The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, I request a temporary Capitol leave for Senator Williams, who also has been called to his office.

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

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator AFFLERBACH,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES
OF HAVERFORD STATE HOSPITAL

February 8, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Barnabas W. Glenn, 1503 East Johnson Street, Philadelphia 19138-1109, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 1995, and until his successor is appointed and qualified, vice Reverend Thomas Logan, Sr., Yeadon, resigned.

ROBERT P. CASEY
Governor

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

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

Senator BRIGHTBILL. 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 AFFLERBACH and were as follows, viz:

YEAS—25

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

NAYS—22

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

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CALENDAR

SB 1098 CALLED UP OUT OF ORDER

SB 1098 (Pr. No. 1329) -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED
AND OVER IN ORDER**

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

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

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

Senator DAWIDA, by unanimous consent, offered the following amendment No. A2317:

Amend Sec. 13, page 41, line 10, by striking out all of said line and inserting: (b) Transportation assistance.—

(1) The net proceeds of the sale

Amend Sec. 13, page 41, by inserting between lines 20 and 21:

(2) Notwithstanding any provision to the contrary, there shall be no local match funding requirement for the National magnetic levitation prototype proposal and development phase, as described in section 5(b)(15)(I)(A) of the act of December 28, 1992 (P.L.1689, No.188), known as the Capital Budget Project Itemization Act of 1991-1992.

(3) The Department of Transportation may select a contractor for the project described in section 5(b)(15)(I)(A) of the Capital Budget Project Itemization Act of 1991-1992. Such selection shall be based on the following criteria: the contractor must have extensive knowledge of magnetic levitation technology and have been incorporated in this Commonwealth for at least two years for the express purpose of developing magnetic levitation technology. The contractor must also have demonstrated an ability to attract private sector investment, including corporate and labor participation, as well as Federal, State and local funding for magnetic levitation development.

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

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

Senator DAWIDA. Mr. President, I believe this is an agreed-to amendment. It is somewhat technical in nature and

it is to continue our work in MAGLEV.

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

Senator FISHER. Mr. President, I just want to indicate to our Members—we have not had a chance to caucus on this—that the gentleman from Allegheny, Senator Dawida, and myself and others have been working on trying to get the MAGLEV funding for western Pennsylvania and this will clarify some problems that have developed out of last year's appropriation. We already approved \$2 million, and this will clarify some of the problems contained therein, and I hope that the Members on our side will support the amendment.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

The PRESIDENT. Senate Bill No. 1098 will go over in its order, as amended.

RECESS

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

Senator LINCOLN. Mr. President, at this time, I move that the Senate do recess for purposes of Republican and Democratic caucuses. The Democratic caucus will begin immediately upon the recess, and we intend to return to the floor by 12:30 p.m. today.

The PRESIDENT. Senator Jubelirer, do you have a similar request?

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I thought we were all going to be together. I thought togetherness sounded pretty good.

Mr. President, I would ask all Members of the Republican Caucus to report immediately to the second floor caucus room so that we might run over the bills on today's Calendar and have an opportunity for the Members who wish to get lunch to do that before we return to the floor.

The PRESIDENT. For purposes of a recess that will begin immediately, Republican and Democratic caucuses to begin immediately, with the expectation of reconvening at about 12:30, the Senate will stand in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet today to consider Senate Bills No. 625 and 974.

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

SB 611 (Pr. No. 650) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentlewoman will be so recorded.

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

YEAS—45

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

NAYS—2

Corman Peterson

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

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

FINAL PASSAGE CALENDAR RESUMED

BILL OVER IN ORDER

SB 713 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

THIRD CONSIDERATION CALENDAR**BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

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

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY**

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

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

BILL OVER IN ORDER TEMPORARILY

HB 3 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 176 (Pr. No. 1349) -- 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 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?

RECONSIDERATION OF SB 176

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

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator FISHER. Mr. President, I ask unanimous consent to offer amendment No. A2320 to Senate Bill No. 176.

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

Senator LINCOLN. Mr. President, was this amendment given to the Members of the Democratic Caucus prior to the

caucus we just held?

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

Senator FISHER. Mr. President, I believe that the amendment was, in fact, sent down to the gentleman's caucus room, yes.

Senator LINCOLN. Mr. President, the only amendment that we were aware of and the only amendment that we discussed was the amendment that I believe the gentleman from Montgomery, Senator Greenleaf, was supposed to offer.

Senator FISHER. Mr. President, the amendment was sent down, and I have shared the contents of the amendment with the prime sponsor of the bill, the gentleman from Bucks, Senator Lewis. He is aware of the amendment.

The PRESIDENT. Senator Fisher has asked for unanimous consent to offer an amendment. The question is, is there an objection to his offering the amendment?

Senator LINCOLN. Mr. President, I would ask that we go at ease for a second. I would like to know if this amendment was discussed in our caucus, and if it was not, I am going to object to the amendment being offered.

The PRESIDENT. The Senate will be at ease while we straighten this out.

(The Senate was at ease.)

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

Senator LINCOLN. Mr. President, we did not have this amendment. It was not brought to the floor and given to the sponsor of this bill until after caucus had broken. I have been asked by the sponsor not to object to the amendment being offered, but I will ask for a "no" vote and ask for a "no" vote on any amendment that has similar circumstances throughout the afternoon.

Senator FISHER, by unanimous consent, offered the following amendment No. A2320:

Amend Sec. 1 (Sec. 6202), page 3, lines 3 through 13, by striking out all of lines 3 through 12 and "(e)" in line 13 and inserting: (d)

Amend Sec. 1 (Sec. 6202), page 3, line 30, by inserting after "warrants": ; extradition or rendition hearings; preliminary hearing hearings; bail hearings; probation and parole revocation hearings; and sentencing hearings

Amend Sec. 1 (Sec. 6225), page 11, line 17, by striking out "(a) General rule.--"

Amend Sec. 1 (Sec. 6225), page 11, lines 22 through 30; page 12, line 1, by striking out "Evidence of other crimes, wrongs" in line 22, all of lines 23 through 30, page 11 and "provide needlessly cumulative evidence." in line 1, page 12

Amend Sec. 1 (Sec. 6254), page 25, lines 24 through 30; page 26, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 6264), page 28, line 13, by striking out "Testimony" and inserting: (a) General rule.--Except as provided in subsection (b), testimony

Amend Sec. 1 (Sec. 6264), page 28, by inserting between lines 15 and 16:

(b) State of mind.--No expert witness testifying with respect to the mental state or condition of a defendant in a criminal proceeding may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense to that crime. Such ultimate issues

are matters for the trier of fact alone.

Amend Sec. 1 (Sec. 6271), page 31, lines 10 through 20, by striking out all of said lines and inserting:

and the statement:

(A) is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive; or

(B) predates a prior inconsistent statement of the declarant.

Amend Sec. 1 (Sec. 6271), page 32, line 7, by inserting a period after "conspiracy"

Amend Sec. 1 (Sec. 6271), page 32, lines 7 through 9, by striking out "where" in line 7 and all of lines 8 and 9

Amend Sec. 1 (Sec. 6273), page 34, line 21, by striking out "against the defendant"

On the question,

Will the Senate agree to the amendment?

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

Senator FISHER. Mr. President, just preliminarily, I do want to say that I believe this amendment was sent to the Democratic Caucus. And also, I had mentioned to the gentleman from Fayette, Senator Lincoln, earlier this morning that I had an amendment to this bill. I understand that perhaps he did not remember that, but notwithstanding, we are on the amendment, and let me discuss the amendment for a moment.

First of all, I want to say I know that the gentleman from Bucks, Senator Lewis, has worked hard to try to put together in acceptable form a Pennsylvania code of evidence, and I commend him for that. I believe that there are some significant benefits in putting a Pennsylvania code of evidence statutorily into law as opposed to having the Pennsylvania courts and litigants and their counsel follow the Uniform Rules of Evidence. I have tried to follow the course of this bill and its various printer's numbers. It is now in its fourth printer's number, and I know that the gentleman from Bucks, Senator Lewis, has worked with a number of groups who have had interest in Senate Bill No. 176.

The amendment that I am offering today contains within it six different areas of disagreement with the sponsor of the legislation that have been brought to my attention by the Pennsylvania District Attorneys Association, and particularly by the district attorneys offices in Philadelphia and in Allegheny County. These issues, just briefly—and there are six different ones—one applies to the rules of evidence as they would apply to what is known as a bail hearing. The concern is that without my amendment, under the bill a bail hearing which could normally take 2 days might take as much as 2 weeks because the prosecution would have to bring in each and every witness to substantiate a piece of evidence, whereas under my amendment they would be able to get that evidence in at least at that level of the proceedings. This amendment would set the law as has been established under the Federal Rules of Evidence, and I think, particularly as with bail hearings, following the Federal rule would be the preferred way to go.

Secondly, Section 6225 of the bill as it is presently before us makes evidence of past crimes inadmissible to prove modus operandi or a common plan. This restriction is not presently Pennsylvania law or the law under the Federal Rules of Evidence. Now, it is a very unusual situation where even under current law or Federal rules that you would be able to use evidence of a past crime to prove MO or to prove a common plan, but, in fact, there are those special cases where prosecutors believe that evidence is appropriate evidence, it is relevant evidence, and the amendment would correct that.

Thirdly, the amendment would strike Section 6254 in the bill dealing with prior consistent statements. This section is new and, likewise, it is not found in the current Pennsylvania Uniform Rules of Evidence or under the Federal rule.

The fourth change in the bill deals with opinion testimony. That language which would be inserted in by amendment has been left out, and this amendment would restore that provision which would allow the trier of fact to determine whether the mental state or condition constituted an element of the crime. Clearly, that is an important element in many crimes. We have a bill on the Calendar today, Senate Bill No. 611, of which the gentleman from Philadelphia, Senator Fumo, is the prime sponsor, that deals with possession of such an inane thing as a magic marker or a spray paint can. Clearly, to have a fair trial in a case like that, the element of intent is certainly something that is a key part of the offense, so we need that amendment for that part.

The next section of the bill, the fifth section, deals with evidence necessary for establishing the existence of a conspiracy.

In the sixth section, currently in Pennsylvania police reports cannot be used in a criminal trial except to examine a police officer. Section 6273 of the bill creates a hearsay exception which would allow the defendant to use a police report against the prosecution but would not allow the prosecution to use it against the defendant. This creates an uneven playing field and gives a distinct and unfair advantage to a criminal defendant. My amendment would make sure that this section of the code of evidence would once again pattern the Federal Rules of Evidence.

So, Mr. President, I offer these amendments to establish I think an even more level playing field under the bill. I offer them on behalf of the district attorneys all across this Commonwealth who have looked at this legislation and sincerely would like to see a bill put in place but who disagree strongly with the current bill unless these changes are made.

I believe it is a good amendment. I believe it is an amendment that should be adopted. Notwithstanding the request already made by the Majority Leader for a "no" vote, I would ask Members on both sides of the aisle to give this amendment their serious attention, and I would ask for an affirmative vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Lewis.

Senator LEWIS. Mr. President, each of the items presented in this amendment by the gentleman from Allegheny, Senator

Fisher, has been the subject of extensive discussion, debate, and negotiation across the past few weeks in which dozens and possibly hundreds of hours have been spent by me, by my staff, by representatives of the District Attorneys Association, and I would concede the point that he made that these are still issues which, in the minds of the District Attorneys Association, have not been resolved to their satisfaction. But by way of a little background, let me put this into some perspective. When we first started these negotiations, the District Attorneys Association came to me with a list of approximately 30 or 32 issues that were of concern to them. We discussed them, we traded information, and ultimately spent nearly 4 hours in my office in which I was working with representatives of the District Attorneys Association, and at the conclusion of that meeting we had resolved, to the satisfaction of the district attorneys, more than two-thirds of those issues. Off the top of my head, my recollection is that 24 or 25 of the roughly 30 to 32 issues that they raised were resolved satisfactorily, in their opinion. They indicated that they wanted to take a little bit more time to think about the few other ones in which I believe that they either had an incorrect opinion of the current law, misunderstood the Federal rules, or were attempting to gain some particular advantage in the whole evidentiary process.

In the proposed time line for their response to me, roughly some 10 days or 2 weeks later, they came back not only with further commentary about the half dozen or 7 or 8 issues about which they were still concerned, but, in fact, they came back to me with a list of 39 new proposals that were now of concern to them. Well, we worked our way through that process, Mr. President, and resolved, to the satisfaction of the District Attorneys Association, some 21 or 22 of this new list of 39. So, if my mathematics are anywhere near accurate, it seems to me that in the course of these weeks of negotiation, more than 75 separate issues had been raised on their behalf, and fully 50 or more of those had been resolved to their complete satisfaction.

I think that all of us in this process understand that when you have so many differences of opinion, as will always be present in any major legislative endeavor, that it is incumbent upon everyone to understand that they are not going to be able to get everything that any individual might believe is of special concern or interest to him or to her, and so it is the case here. And although the District Attorneys Association has acknowledged, with gratitude, the cooperation and the effort that has been made in working out these issues, although they have acknowledged their deep desire to have a code of evidence in written form and understand the importance that it will bring to the process in our civil and criminal litigation in Pennsylvania, they nevertheless continue to indicate an opposition to the bill because a handful--and that is my term--of what I believe are second- and third-tier issues were not concluded to their satisfaction.

I assure the gentleman from Allegheny, Senator Fisher, that I will be willing to continue to work with him, that this process is far from over, but I think it is time now to move it to its next stage, which is to get this bill passed and sent to the

House. So, for that reason, I would join in the request of the Majority Leader and ask for a negative vote, realizing that there is still much more work to be done on this bill.

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

Senator FISHER. Mr. President, just briefly, I recognize what the gentleman from Bucks, Senator Lewis, is saying, but this is an area, when you are talking about civil and criminal trial practice and evidentiary rules, where unless people are dealing with this area of the law daily, weekly, monthly, it is impossible to stay attuned to all the nuances and all the particular needs in the rules of evidence.

The only thing I can say in response to what the gentleman from Bucks, Senator Lewis, has said, is I believe strongly that we do need a code of evidence statutorily in Pennsylvania that will help the practice in both the civil and criminal side. But, likewise, I believe we should rely on the expert knowledge of the Pennsylvania District Attorneys Association in dealing with what is a fair set of rules for criminal trials. That is all I am asking for. Why not take the opportunity to pass this bill in a better form? We can do that. We are going to be around here another couple of hours today. Adopt this amendment, get the bill reprinted, give all of us who have a concern and an interest in this the opportunity to vote in favor of it. But I am concerned that without these amendments, I cannot support the bill at the present time, as a number of my other colleagues on this side of the aisle cannot support the bill. So I would ask that we do adopt these amendments. We can move to a reprint of the bill, and hopefully we can get it out of here and over to the House.

Thank you, Mr. President.

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

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

YEAS—22

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

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 GREENLEAF, by unanimous consent, offered the following amendment No. A2270:

Amend Sec. 1 (Sec. 6263), page 27, line 29, by striking out "(a) General rule.—"

Amend Sec. 1 (Sec. 6263), page 28, lines 6 through 11, by striking out all of said lines

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, this amendment would delete subsection (b) of Section 6263 of the bill of this proposed code of evidence, and this section now, as it would read, it is my understanding, would preclude expert testimony in new areas of expertise or new theories of law. This language is not based in any Federal or Pennsylvania evidentiary law at the present time. I understand it is basically a new concept, although it may emerge into this area, but at least at the present time, it is not in Pennsylvania or Federal law, and therefore, there is no present authority that would substantiate the inclusion of this provision.

In addition, the bill, under Sections 6206 and 6203, presently allows a judge to exclude evidence that, for example, an expert witness would use that may be inadmissible, and there is, I would think, substantial and sufficient guidance in a court for the court to exercise its discretion in excluding evidence upon which an expert witness may base his or her opinion in giving testimony in a court proceeding. The present subsection, I guess, basically, would unnecessarily inhibit the free testimony and expression of opinion by expert witnesses, and therefore, the amendment that I have would delete that section.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Lewis.

Senator LEWIS. Mr. President, this is an example of how we, as lawyers, can sometimes take what might be perceived as some of the smallest and relatively insignificant issues and make a career out of debating them. As I explained earlier to the gentleman from Montgomery County, Senator Greenleaf, this is a subject much like those that I commented on with respect to the amendment of the gentleman from Allegheny, Senator Fisher, that has been debated at some length and has been the subject of many writings back and forth among the interested parties.

Basically, what we have is a situation in which the general rule, which is not the subject of any concern expressed by the gentleman from Montgomery, Senator Greenleaf, really brings Pennsylvania law into compliance with where the rest of the nation is and where the Federal rules are. The subsection (b) which he expressed concern about really is just a limitation on the broad language put in subsection (a). Basically, it is intended to make sure that certain expert testimony based upon evidence that is not in the record cannot be so inflammatory as to unduly influence the impressions of the triers of fact. All of

the parties who have been involved in these negotiations, including those who support the amendment offered by the gentleman from Montgomery, Senator Greenleaf, acknowledge that current Pennsylvania practice really does embrace the kind of limitation that is specifically stated in subsection (b). In fact, the parties have acknowledged that the encyclopedia on Pennsylvania evidence, called the Pennsylvania Code of Evidence, in its specific sections directly speak to this issue.

So I would object to the proposed amendment, first of all, because it really does restate current practice in Pennsylvania at this time. Secondly, because I think that it is important to eliminate any possibility of a doubt as to where we want to be with regard to this limitation on the possibility that expert testimony might just run into fields that would prejudice a jury.

So, for those reasons, I would ask for a negative vote on the amendment.

LEGISLATIVE LEAVE

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

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Reibman still remains on temporary Capitol leave, although she is with us. Her temporary Capitol leave will therefore be cancelled.

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

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

YEAS—22

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

NAYS—25

Afferbach	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?
 It was agreed to.
 And the amendments made thereto having been printed as
 required by the Constitution,

On the question,
 Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from
 Bucks, Senator Lewis.

Senator LEWIS. Mr. President, as has already been men-
 tioned, this proposed code of evidence is a substantial under-
 taking with regard to judicial practice in Pennsylvania. Interest-
 ingly, there has been a Federal Code of Evidence in place
 since the mid-1970s, and every individual who goes to law
 school, whether in Pennsylvania or any other law school in
 these United States, is trained in the Federal Code of Evidence.
 Notwithstanding that, Pennsylvania remains in an anachronistic,
 outdated mode in which virtually all of our rules of evidence
 have been determined by court decision, by modification, by
 reference, by inference. It makes it extremely difficult for
 lawyers, judges, litigants to really be able to get a handle on
 what the rules of the game are going to be, whether it is in
 civil practice or in criminal practice. My attention to this issue
 was first raised by the State Trial Judges Conference, members
 of which came to me and pointed out that they frequently
 encounter, in the course of presiding over trials, problems in
 which attorneys unknowingly make mistakes with regard to
 rules of evidence that delay the proceedings, that cause con-
 fusion, and that in some instances bring about further judicial
 oversight and additional litigation that could have easily been
 avoided.

What we are trying to do with this proposed code is to
 bring Pennsylvania into the modern era with regard to the
 conduct of trials in this State, to reference a national standard
 of a code of evidence with the Federal rules that every law
 school student studies and understands, and yet still preserve
 and protect some of the special and unique aspects of Pennsyl-
 vania law in which we have exceeded Federal standards or
 dictates in the past, and one of those is an amendment that we
 put in just a few days ago that was offered by the
 gentlewoman from Philadelphia, Senator Schwartz, with
 respect to the Pennsylvania Rape Shield Law, a provision in
 our evidentiary code which puts Pennsylvania far in front of
 most other States in this nation.

So, as we will encounter in any endeavor to try to tackle
 something as complex, as ingrained as the overall rules of
 evidence, there will be differences of opinion among
 reasonable people, and, unfortunately, there is no way to totally
 overcome that. But I greatly appreciate the work and the effort
 from the Members of the Committee on Judiciary, and par-
 ticularly the gentleman from Montgomery, Senator Greenleaf,
 and the gentleman from Allegheny, Senator Fisher, and the
 gentleman from Lebanon, Senator Brightbill, for their hard
 work and cooperative effort, and as I said earlier, I know that
 there is a lot more work that will be done on this, but I think

we can all be proud today of casting an affirmative vote for
 this bill, and I would urge the Senate to do that.

And the question recurring,
 Shall the bill pass finally?

(During the calling of the roll, the following occurred:)
 Senator HOLL. 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 taken agreeably to the provisions
 of the Constitution and were as follows, viz:

YEAS—29

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

NAYS—18

Baker	Jubelirer	Peterson	Shaffer
Bell	Lemmond	Punt	Shumaker
Corman	Loeper	Rhoades	Tilghman
Hart	Madigan	Robbins	Wenger
Holl	Mowery		

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 508 CALLED UP OUT OF ORDER

SB 508 (Pr. No. 1347) -- Without objection, the bill was
 called up out of order, from page 5 of the Third Consideration
 Calendar, by Senator LINCOLN, as a Special Order of Busi-
 ness.

**BILL ON THIRD CONSIDERATION
 AND FINAL PASSAGE**

SB 508 (Pr. No. 1347) -- The Senate proceeded to con-
 sideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsyl-
 vania Consolidated Statutes, providing for postsecondary educational
 costs.

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

On the question,
 Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman
 from Northampton, Senator Reibman.

Senator REIBMAN. Mr. President, I would like to very briefly outline some of the history of Senate Bill No. 508, which is the legislature's response to a decision rendered by the Pennsylvania Supreme Court. This bill was introduced in February. It has been worked on by the four Caucuses, the legal staffs of both Caucuses in the Senate and both Caucuses in the House. I think the bill, as it stands now, is a very reasonable bill and seems to answer the policy that we would like to establish in Pennsylvania.

This bill gives legislative authority to the courts to include in support orders certain expenses for post secondary education for children over the age of 18, up to the age of 23, and in some exceptional cases for some post graduate study.

Where parents have either been divorced or separated and support orders have been promulgated by the domestic relations court, it seems only fair that when the financial condition of either one or both parents are considered, plus that of the child, plus the child's ability to get other kinds of help such as scholarship grants, work study programs, that it is very reasonable that that child's expenses should be borne by the parents. It is unconscionable that where parents have the financial ability, while they are separated or divorced, to pay for college education or proprietary school, or whatever it happens to be, to permit that child to fall upon the shoulders of the taxpayers and seek PHEAA help does not make any sense.

For 30 years the courts in Pennsylvania have decreed that parents should bear the expense of their children's post secondary education on a case-by-case basis where the finances permit it. The Supreme Court said that the legislature did not give the courts that authority, and therefore they ruled, in *Blue vs. Blue*, that this expense was not constitutional, or whatever their reason was. Anyway, they overturned lower court decisions.

Senate Bill No. 508 codifies what has been the law in Pennsylvania, case law for over 30 years, and I think that as a matter of public policy, this bill should pass.

Thank you very much.

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

Senator BAKER. Mr. President, I would like to commend the gentlewoman for the comments she gave explaining this bill because I think it does walk a middle path between an arbitrary direction either on total support or on lack of support. I would make a point that there is a related question having to do with the health benefits of, quote, "children," unquote, and where they extend beyond the age of 18, under certain conditions. But the gentlewoman from Northampton, Senator Reibman, has indicated that she feels that this is dealt with by the law the way it is now, and I accept that and hope that if we find, on consultation between various legal experts on this, that a problem remains, that she would assist in resolving that problem.

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

Senator BELL. Mr. President, the Administrative Code, which is Title 1 of Purdon's statutes, I refer to Section 1924.

It says, "The title and preamble of a statute may be considered in the construction thereof." I emphasize the word "may." And what the gentlewoman from Northampton, Senator Reibman, pointed out is this only applies where there are divorced parents, separated parents, a situation where there is a support order. But that is found only in the preamble. I would like to have perhaps the gentlewoman from Northampton, Senator Reibman, elaborate that it is the legislative intent of this act that this applies only to those situations and not where a husband and wife live together and perhaps an embittered child tries to sock it to the parents with a support order to pay that child's way through college.

The PRESIDENT. If that is in the form of interrogation, do you want to direct that interrogation to Senator Reibman or Senator Lewis?

Senator BELL. Mr. President, it is not an interrogation, but I would like the gentlewoman from Northampton, Senator Reibman, to emphasize that this is a legislative intent, because some judge might say, oh, this only means "may."

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Reibman.

Senator REIBMAN. Mr. President, for the gentleman's benefit, I think that the intent on the first page of the bill is pretty clear, that it recognizes that the Commonwealth has a legitimate interest in ensuring that children of parents who are separated, divorced, unmarried, or otherwise subject to an existing support obligation be afforded the same educational opportunities as children of married parents.

The courts have been pretty clear, I think, in limiting in the line of cases that previously existed before those cases were overturned by the Supreme Court. I think that is what they adhered to. I would like to yield to my colleague, the gentleman from Bucks, Senator Lewis, whose legal staff was a great help to us in fashioning this bill.

Senator Lewis, if you do not mind.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Lewis.

Senator LEWIS. Mr. President, I would, in response to the concern expressed by the gentleman from Delaware, Senator Bell, submit to him that the language in the bill, at least as I understand it, would do much more than a mere expression of legislative intent by me or the gentlewoman from Northampton, Senator Reibman, or anyone else on this floor, particularly since it is my understanding that the courts have historically rejected our debate here as having any substantive value. And so, in an attempt to provide some comfort for the gentleman from Delaware, Senator Bell, because it is our intention and desire to have this law applied in the fashion that he described, I would call his attention to page 4 and the entire sections on applicability, which were intended to make it clear that, in effect, these circumstances would apply only in those kinds of cases where there is court involvement, where there are court orders, whether by agreement or otherwise, and as the gentleman knows, there would not be any court involvement or court order in any case except one in which we were dealing with a separation or a divorce. There would not be any

such kinds of court involvement if you had an intact family. In fact, it was our belief that with that language, we were, in fact, statutorily accomplishing the assurance that the gentleman was seeking.

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

Senator BELL. Mr. President, I am glad that my colleagues pointed this out very clearly because the entire bill is interpreted as a whole, and on page 1 there is a preamble. But I think this now clearly establishes the legislative intent.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Afflerbach asks for a temporary Capitol leave for Senator Fattah. The Chair hears no objection, and that leave will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Peterson is here. His temporary Capitol leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—3

Mowery	Pecora	Punt
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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.

HB 878 CALLED UP

HB 878 (Pr. No. 1976) -- Without objection, the bill which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LINCOLN.

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

HB 878 (Pr. No. 1976) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
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 believe this bill should be labeled as the SEPTA ripper bill, since its intent is to destroy a very carefully crafted local compromise to create the SEPTA board under Act 6. Instead, it attempts to, for what I would take to be perhaps inexplicable but perhaps for purposes of political manipulation, change the balance on the SEPTA board. I am not sure what the rationale is, but I certainly think it would be appropriate for the sponsor to tell us what the rationale might be to try to destroy local cooperation in a region where such cooperation is currently rather delicately going forward but which can be destroyed by this type of ripper legislation.

If we look at the population of the southeastern part of Pennsylvania, it is very obvious that there are those who may be upset with the facts and the trends that are created in demography and the fact that certain counties may not dominate that region as they once did. The fact is that if there is to be any cooperation in the future between the almost 4 million people who live in that part of the State, it will be on the basis of cooperation, on the basis of working together, and not on the basis of divisiveness. If this type of legislation becomes typical of the approach of the sponsors of this legisla-

tion, it is obvious that any hope for cooperation between the city and the four suburban counties is dashed. It is very disappointing to one who has worked assiduously to try to build up that cooperation to find this in place.

In fact, one of the questions that I think needs to be posed here is whether or not the city of Philadelphia and the county of Philadelphia are demanding a takeover of a board which is meant to be cooperative. If the argument is that somehow the suburban representation on the SEPTA board has tilted the activities or the decisions of the board in a suburban direction, I can say that is patently false, because obviously if that were the case, then the suburbs would receive service from this organization, and they do not.

In my county the taxpayers now will be insulted, and the taxpayers, by the way, of not only Chester County but also Montgomery and Bucks and Delaware Counties. Any representative who claims to represent the voters and taxpayers and citizens of those counties will be slapping them in the face if they vote for this bill. I think it would be ironic, indeed, if someone who claims to represent Bucks or Chester or Montgomery or Delaware Counties would, in fact, vote for this bill, and I certainly think they would want to try to justify their action.

Now, the fact is that the taxpayers of these counties are already paying through their property taxes at the local level to subsidize riders in the city of Philadelphia, which is where the bulk of the service is, and this will add further insult by now saying that the State representatives through whom they pay further taxation will now have a lock on the decisions that are to be made. I would think a county commissioner, whether Republican or Democrat, in any of these counties would find this legislation highly insulting, as would the taxpayers of those counties.

I believe the time will come when we will not have the hypocrisy that we see, as evidenced in this bill, where people talk about cooperation but instead intend to drain an entity like SEPTA, of all the benefits for themselves without giving representation, and, in fact, what I think it will lead to is that counties may well decide, as they currently can under Act 6, to secede from SEPTA. In fact, in my county, where more people walk to work than take public transportation, it would not be difficult for the county to make a decision that creating a separate authority and eliminating their payments to SEPTA and dropping out of SEPTA could be the most valid, defensible, and wise action.

I do have an amendment, Mr. President, which I would like to offer at this time which will make a matter of record that when a county might make such an election, they would then have the opportunity to take the population for Federal funding purposes and contract with an authority, so that if one wanted to contract with SEPTA for service, it could take place, but otherwise it would be according to the county's own wishes. I think this type of ripper legislation is what leads to this, and I would say even if someone, under some stretch of logic, who claimed to represent the suburban counties, where about 60 percent of the residents of this region live, would argue that

they want this bill, they certainly should not object to my amendment, which would simply give each county the ability, as it currently has, to secede, but also to provide it with all the rights and privileges of any authority.

I would like to ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Senator Baker asks unanimous consent to offer an amendment.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, this amendment was not delivered to the Democratic Caucus at any time, either yesterday, the day before, or today. I am not going to object on the amendment. We have not seen it yet. I am not going to object to the amendment being offered, but I am going to ask for a "no" vote strictly on the basis that we have no idea what is in it and it is really not timely, but we are going to allow it anyway. I just ask for a "no" vote.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator BAKER, by unanimous consent, offered the following amendment No. A2334:

Amend Subchapter Analysis, page 12, by inserting between lines 4 and 5: 1711.1. Withdrawal of county from authority.

Amend Sec. 4, page 16, by inserting between lines 5 and 6:

§ 1711.1. Withdrawal of county from authority.

Any county in the metropolitan area currently participating in the transportation authority of that metropolitan area which elects to withdraw from the transportation authority and form its own authority shall have all rights and privileges of an authority under this act. The county so withdrawing may independently qualify for Federal funds based upon population and shall have the right to contract for services and shall establish its own board of directors.

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, I find it ironic, indeed, that the gentleman from Fayette, Senator Lincoln, would indicate that he had not had access to this amendment, for which I apologize, but it certainly would have been courteous of the author of the legislation to have made this bill available to the commissioners of the various counties that it affects, not to speak of the Senators from the same area, prior to having it introduced rather suddenly this week. So, I will not further comment on that because I think it is so evident that what I am saying is correct.

This amendment is simply for the purpose of providing counties an option of recognizing the option that they have and should have, and it is the natural result of someone trying to make them belong to an organization in which the odds are stacked against them, for purely political purposes, and goes against the population trends of the area and the rightful interest of having a true regional cooperative body.

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—22

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

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?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

Senator BELL. Mr. President, I was a Member of this Chamber when SEPTA was born. James Tate, Mayor of Philadelphia, was faced with the fact that the Philadelphia Transportation Company was going broke, and he came to Harrisburg to attend a meeting that was arranged with Senators of the suburban counties, and present was Senator Charles Weiner, now a United States District Judge. At that meeting, as a young Senator, I stated that a lot of progress could be made if the legislation would include cooperation rather than a nailed fist where people are forced to do something. That is how SEPTA was formed. I was quite shocked at a meeting of the Committee on Appropriations the other night when the chairman of the Committee on Appropriations, without moving legislation through our standing Committee on Transportation, produced this amendment, which is actually the bill in front of us.

I had occasion to go to a meeting in Philadelphia last night, and driving up this morning I listened to KYW, and I heard Andrew Warren, who I believe is the chairman of the commissioners of Bucks County, really raising hell about this bill. He said that this was completely unacceptable to the citizens of Bucks County. Well, my district includes Chester and Delaware County. This morning's newspaper, the Delaware

County Daily Times, has a statement from the acting chairman of the county council, the county of Delaware, that if this goes through, they are going to consider withdrawing from SEPTA.

Now I will go to the portion of my district in Chester County. I have often wondered why the people in this part of Chester County do not object to SEPTA because they pay county taxes that support SEPTA and they get not one inch of service from SEPTA. I think this legislation is ill-advised. It should have been moved through legislative committees with public hearings. Let the people of Bucks County, Republican and Democrat, come up here and say if they want this. Let the people of Montgomery County come up and talk. Let the people of Chester and Delaware Counties. Let the people of Philadelphia County. Because this has been one agency where Philadelphia and the suburban counties work together.

I will give you a little more history. When this was put together, Philadelphia had 2 million people; the suburban counties had about 1.5 million. Today, the suburban counties have 2 million, Philadelphia has 1.5 million, and then Philadelphia wants to deny the city of Philadelphia and its citizens the support of the legislators from the suburban areas in continuing a public transportation system, most of which services the city of Philadelphia. I think they are playing with dynamite.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Lewis.

Senator LEWIS. Mr. President, each of the last two speakers have issued very direct challenges for a justification of what will be an affirmative vote by me on this measure, and I am delighted to rise to the occasion. And I want to use some of the comments that they have made to explain why I am not only supporting this bill but enthusiastic about the benefits that this change can bring for Bucks County and for all of southeastern Pennsylvania in terms of its mass transit system.

The gentleman from Delaware, Senator Bell, just opined that he did not understand why certain residents within his district who pay taxes are comfortable with that process because, and I believe his quote was, they do not get one inch of service from SEPTA. The earlier speaker made a similar comment when he was suggesting that if this change goes through, that his county might like to withdraw from its involvement with this agency. What I think these two speakers have said clearly is precisely what has been on my mind and what is motivating me with regard to this issue, and that is that under the benevolent and paternalistic control of the Republican Party in the suburbs of southeastern Pennsylvania, my county and their counties have nothing to show for a mass transit system, in spite of the dollars that our constituents have been paying. There is no meaningful mass transit system in the suburbs in southeastern Pennsylvania, and I think the time has long since come when that should have been changed and must be changed, and if the only way that we can begin to undertake that process is to change the control of the board, then let us be about it for the sake of service to these residents.

Mr. President, all of the rhetoric that we will hear today is really intended to try to continue one very important system, and that is the political patronage control of the SEPTA

system, which has been firmly in the hands of the Republican Party in the suburbs of southeastern Pennsylvania since the days when this agency was created. That is what this debate is all about, not about what the service levels are for my constituents, not about who is paying the bills for this agency, not about where the future of mass transit really ought to be, but about the question of who is going to continue or whether the Republican Party is going to be able to continue the unbridled patronage control of that organization, and I think that it is time for that influence to stop.

Mr. President, in my opinion, this is not a question of a battle between the city and the suburbs, because if it was simply that, my constituents would not find themselves in a detrimental position in that kind of a scenario. This is not that sort of a battle at all. In fact, the important provisions of this bill relate to the super majority opportunities for the appointees representing this legislature and the Governor, and that is the most important aspect of this bill, because as everybody in this Chamber knows, the principal funding for the operation of SEPTA, both directly and indirectly, through our imposition of the dedicated funding source which we did a year and a half or 2 years ago, the principal funding comes from State sources, and the changes proposed in this bill are going to give us, as the providers of that fundamental financial resource, the opportunity to have the principal say in the most important decisions that go on here. The numbers of the members of the board are not going to be critical in terms of any of those decisions, and so whether Bucks County has one or two or three members on that board, whether the city of Philadelphia has two members or five members, is absolutely irrelevant to the most important aspect of this proposal, and that is the opportunity for us here in Harrisburg, representing the principal funding source for this mass transit agency, to take some significant involvement in the determination of the most important issues that are going to be raised.

Having said all of that, I am also intellectually curious about any basis for justifying the continued board membership in its present form. It seems to me that any basis that is based upon reason, upon logic, upon professionalism, for trying to determine what the justification is for a system of management control, probably ought to look at either the financial input or the consumption output of the reason for the existence of that agency.

Now, I have already mentioned the State's principal funding. We also know full well that the secondary principal level of funding for this mass transit agency comes from the Federal government, that the third largest single support of funding for SEPTA comes from the city of Philadelphia--some \$65 million a year, I believe--and our four suburban counties collectively do not provide 25 percent of the funding level that is provided even by the city of Philadelphia, to say nothing of the paltry percentage that is represented by our contributions in comparison to the Federal government and to the State of Pennsylvania. How, under any basis of logic or reason, can you suggest that 8 out of the 10 votes that are supposedly representing that region should come from entities that contribute barely a

few percentage points of the funding for that agency? It makes no sense to me whatsoever, and so you say to yourself, why is this the case? The answer is clear, and the gentleman from Delaware, Senator Bell, alluded to it. It is because at the time that SEPTA was created, there was a Republican domination of the process through which that enabling legislation was put into place and crafted in that language, and what we have had to live with ever since is this political patronage control in which 8 out of the 10 votes have given them this lock over all of that period of time.

Maybe there is some other basis for determining management control. Should we look at the delivery of services, for example? Well, I have already said to you that as far as my constituents in lower Bucks County are concerned, there is no system of mass transit which provides any service to us, and I believe that the gentleman from Delaware, Senator Bell, has also indicated already that that is the case for at least some of his constituents, and I would challenge any of the other suburban Members to come forward in this Senate and to present an argument that they have a decent system of mass transit that is serving the needs of their constituents. We know that the bulk of the services, as they have been and as they continue today, have been within the city of Philadelphia, and so if you are talking about the consumers who are being served, how can you possibly justify a management control coming from areas where there is no consumer service, relatively speaking?

Now, that is not meant to say that there should not be a dramatic improvement in mass transit services. Part of the reason I supported dedicated funding for mass transit was in the hope that we could dramatically improve mass transit services. That has not happened yet under the Republican domination of this board. I do hope that there will be creative and significant improvements in mass transit in all of the suburban areas in the years to come. We have to have it, and our economic vitality is going to be dependent upon it, because the juggernaut that is created through the increased dependency of the automobile and the increasing population in all of our counties is creating a nearly impossible situation on our road systems in all of our counties. Mass transit is the indispensable key to the economic future of our communities and to the quality of life within those communities, and there is nothing that has occurred in the past couple of decades in the history of SEPTA under the management control of the Republican Party from the suburbs that gives me any reason to believe that anything is going to change in the future.

Mr. President, this issue has to be brought above the level of pure partisan politics and political patronage control, which is where it has resided in the past. This argument has to be about the future of mass transit services in southeastern Pennsylvania, and I am convinced that the best way to give us any hope of improvement is to bring about the opportunity for the control and the influence over the most significant decisions to come from among the Members who represent this General Assembly, who represent the Governor, and that is why I am going to support this bill and urge all of my other colleagues to consider doing the same.

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

Senator LOEPER. Mr. President, I have listened intently to some of the speakers, and I think sometimes how ironic it is that just yesterday was scheduled the 8th Annual Southeastern Pennsylvania Legislators Conference to be held at the Sunbrook Center, a gathering each year where all the legislators representing the four southeastern counties, as well as the city of Philadelphia, gather with the business leaders of the region to discuss mutual concerns and mutual problems.

Mr. President, over the past 8 years, we have discussed a number of problems. In fact, I guess 8 years ago, when we gathered for the first time, it was really the first time that there was a gathering where the city and suburban legislators actually got together in one room and tried to discuss some of the mutual concerns of the region, concerns such as mass transit, concerns such as the ports, the airports, and what we could do in a more cooperative venture to work together to try to resolve some of the issues that presented differences between us. And, of course, in those early years, the main difference which we always heard not only in those conferences but also here on the Senate floor was the issue of the Philadelphia wage tax. What we found as years went by and the discussion went by was that the exodus out of the city into the suburbs no longer made that the serious issue that it once was to many of the residents whom we represented.

I think, again, if we talk about mass transit, one thing that we saw was a real effort of all of us to work together to improve the mass transit system. And I have got to take exception to the remarks of the gentleman from Bucks, Senator Lewis, as far as there is no mass transit in the suburbs, because the district I represent is the home of the terminus of mass transit operations from the city to the suburbs, the Upper Darby 69th Street terminal, which is really the terminus of all routes out of the city of Philadelphia and into the suburbs, whether it be into Montgomery County, Chester County, Bucks or Delaware Counties, and that we do have a mass transit system. In fact, part of the initial SEPTA legislation was a merger of the old Philadelphia Transportation Corporation as well as the Red Arrow Transportation Corporation to create SEPTA. And I think when we look at what the representation is on those boards, that essentially what we are doing is changing that entire representation and really giving representation—not just representation but control—to the city of Philadelphia.

Maybe that is good, Mr. President. I am not sure. But I know that what it does is it disenfranchises many of the people whom I represent and all the rest of us represent in the four suburban counties. We have worked together to try to improve regional cooperation. We have worked together to try to improve and fund mass transit in the region, and I think all of us recall 2 years ago, that very difficult summer we spent here, and one of the final issues we dealt with that day was a dedicated funding source for mass transit. I think one of the major issues that we heard was that 70 or 75 percent of every mass transit dollar was going to go to the SEPTA system and the other Members of this General Assembly were not going to get

sufficient return out of those mass transit dollars and dedicated funding sources to their district. However, at that particular time we also included, with a dedicated funding base, the requirement that there would be legislative Members who would be on the SEPTA board. Following that, when we did put a dedicated funding source into place, and the gentleman from Bucks, Senator Lewis, indicates that maybe it is best that the city of Philadelphia has control of this board because that is where many of the transportation routes are, but yet he also talked about how we ought to have legislative representation and maybe the power of those decisions should be vested with the members appointed by the General Assembly. Yet, that year, 1991, when we tried to appoint, as our member of the SEPTA board, the gentleman from Centre, Senator Corman, who served as our chairman of the Committee on Transportation, he was denied membership on that board because he was not a resident of the region served by SEPTA. It is ironic to hear the argument of the gentleman from Bucks, Senator Lewis, on the floor here today about representation because it was the gentleman from Bucks, Senator Lewis, and all his colleagues on that side of the aisle who voted against the bill that would allow the gentleman from Centre, Senator Corman, to sit on that board and represent the people of Pennsylvania in the dedicated funding source that went to SEPTA on a regular basis.

So, I think when we take a look at what this amendment that was put into the bill does, essentially, it really dramatically changes an agency that has been on the right track, has been improving, and has been serving the residents of all the counties, including the city of Philadelphia. I am not certain, Mr. President, but I think it is going to have a very negative effect if we adopt this amendment.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator LOEPER. Mr. President, therefore, at this point in time, I move that the Senate do revert to Prior Printer's No. 975 on House Bill No. 878.

The PRESIDENT. Senator Loeper moves that the Senate do revert to a prior printer's number on House Bill No. 878.

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

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

Senator LINCOLN. Mr. President, I oppose that motion and ask for a "no" vote.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Bodack has been called to his office and Senator Lincoln requests a temporary Capitol leave.

The leave will be granted, without objection.

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

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

YEAS—22

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

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,
Shall the bill pass finally?

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

Senator BAKER. Mr. President, would the gentleman from Bucks County, Senator Lewis, agree to respond to interrogation?

The PRESIDENT. Will the gentleman from Bucks, Senator Lewis, permit himself to be interrogated?

Senator LEWIS. I will, Mr. President.

Senator BAKER. Mr. President, is the gentleman aware that there is already, in Act 6, a veto power given to the county of Philadelphia that no other county has?

Senator LEWIS. Mr. President, I am.

Senator BAKER. Mr. President, if we follow through the gentleman's concept that those who provide the funding ought to be represented in proportion to that on the SEPTA board, would that not mean then that really SEPTA would be run by the Federal government rather than by the State or the local governments?

Senator LEWIS. Mr. President, if the gentleman is recommending that, I disagree with him again because I think that I am not enamored with the track record of things that the Federal government has been directly involved in running. So, since the State government is next in line, I chose to put us in that preeminent position and disregard the Feds, but I simply made mention of them because I thought that it was important to understand where the funding comes from, in the main, for this agency.

Senator BAKER. Mr. President, the gentleman gave us some percentages in terms of where the funding comes from.

I wonder if he is aware of the similar percentages in terms of to which counties the services are provided?

Senator LEWIS. Mr. President, I am not familiar with those statistics off the top of my head. I am sure that they are available and I am certain that the gentleman would agree with me, as was the commentary from the gentleman from Delaware, Senator Loeper, that the overwhelming number of riders and routes are to be found within the city of Philadelphia.

Senator BAKER. Mr. President, well, then does that not indicate that apparently the suburban majority has not seen fit to tilt the service away from the city, but, in fact, has, if you want to look at it this way, deprived itself as a more peripheral part of the region of service, and, in fact, in Bucks County and Chester County they happen to be the lowest percentage of service of any of the counties, which I would hope the gentleman is aware of, and that in terms of the money provided, there is very little relationship in terms of service to his constituents or to my constituents. So I fail to see, in his enthusiastic argument, how he feels a board that will now have seven representatives from the city and one from Bucks County will now increase and expand the system which he so badly wants to see in Bucks County.

Senator LEWIS. Mr. President, I had hoped that I had made it clear. Apparently, I have not, so I will try to restate and rephrase what I thought that I had said, and that was that the provisions of this bill which I think are most important are those that create the super majority in favor of the appointees from the Governor and from this legislature.

The essence of the impact of that super majority is to give the opportunity for control over the principal decisions of this agency to this group of legislative and gubernatorial appointees. And the gentleman is correct and I found it interesting that he, too, is commenting that under the control of a Republican dominated board there have been virtually no services provided to the suburban counties. I would not expect that to significantly change if control were given to the city of Philadelphia, and that is why having the super majority control here with our legislative Members is the thing that provides a ray of hope for me that there may be change over the failures of the past few decades. And that is why I think that the language in this bill is such a critical difference and why I think that what we need to be focusing on is the super majority for the legislature, not the numbers of representatives who come from the city or from the suburbs, because their future opportunity, regardless of their place of residence, is going to be dramatically reduced from what it has been in the past.

Senator BAKER. Mr. President, am I to assume that the gentleman feels that the patronage control which he seems to object to in the current board will be more beneficially or wisely wielded by a group of legislative appointees and is he associating himself with this effort to assume legislative control of patronage?

Senator LEWIS. Mr. President, I am not associated with this board. Senator Baker is, of course, as a legislative appointee, and I have tremendous confidence in his ability to handle those issues.

Senator BAKER. Mr. President, I appreciate the compliment, but I want to restate my question, which is, like I said, is the gentleman associating himself with this effort for the legislators or legislative representatives to take upon itself the patronage powers which he seems to think are not being currently wielded wisely by the existing board?

Senator LEWIS. Mr. President, no, that is not the reason that I raised the issue of patronage. I raised it because I think it is important to understand, at least in my opinion that it is the single issue driving the negative reaction from the Republicans in the suburban counties, and I think that it is important to understand the extensiveness of and the absolute control over that patronage system which has been exercised by the four suburban counties in the decades in which SEPTA has existed. And I think that, as I tried to go through in my comments, if you apply any other attempt to rationally or logically or professionally understand how or why the management control of an agency like this should be determined, you will be left without a satisfactory answer because there is no logical or rational answer for why the four suburban counties ought to have 8 out of the 10 members on that board. You must then say to yourself, well, why are they fighting so fiercely then to retain something? And the only answer comes when you appreciate the patronage system that has existed there. That is why I addressed that subject in my opening comments.

Senator BAKER. Mr. President, I have just one more question before I reclaim the floor, and that is that the gentleman has spoken, I would say, on behalf of his constituents. Is it not a shame that the balance of the residents of Bucks County do not have a voice in this body at this time to be able to express themselves on this matter.

Senator LEWIS. Mr. President, with respect to this issue, I feel perfectly comfortable, and I do not mean this to be presumptuous, but I feel perfectly comfortable in speaking for Bucks County, because, in fact, the only trace of a mass transit system that exists within the county runs through my district, and in the 10th Senatorial District there is no mass transit service provided of any kind. And it seems to me that if you put the partisanship aside with regard to the patronage issue, a Senator representing the upper portions of Bucks County would have to be more enthusiastic about the need for a change than I have already been.

Senator BAKER. Thank you, Mr. President.

I would like to just close my comments by saying that it is highly unlikely that the taxpayers and voters of Bucks County are going to be grateful to the gentleman for giving up, willingly, the ability to be represented in some reasonable proportion in this body, and I look forward to the day when the balance of the residents of that county will be able to speak here.

I will close by saying that the statement that the gentleman made on patronage shows what we might call a lack of knowledge, and I invite him, at his leisure, to consult with some of his colleagues as to the past history of patronage in SEPTA and we will see whether his statement holds up in terms of a lack of city representation. I think it is almost

humorous and I can only say that perhaps we can forgive it because of ignorance.

I think that this ripper legislation is a slap in the face to the suburban counties, it is a slap in the face to these voters and taxpayers who are already being taxed significantly to help the city of Philadelphia in various respects in both Federal taxation, State taxation, and local taxation. I think this is an extremely unwise bill. It has been handled in a very hurried manner befitting its lack of rationale, and I view it as a temporary aberration on what I hope will be a path to regional cooperation. If, in fact, I am wrong and it is not, then I will look forward to seeing disintegration caused by exactly the attitudes expressed here today by the sponsors of this bill.

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

Senator BELL. Mr. President, you know, I was shocked to hear the gentleman from Bucks County, Senator Lewis, sort of imply that SEPTA is nothing but a haven for a bunch of political bums. As a matter of fact, the employees of SEPTA are good union members. The Transport Workers Union, I did not think they were political hacks. The United Transportation Union, the Railroad Brotherhoods, boy, you try to pull politics on them, they will buzz you off.

But I would like to point out that I thought the commuter rail services of SEPTA ran through the district of the gentleman from Bucks, Senator Lewis. I am not that familiar with Bucks County, but I know that the commuter rail service runs through my district.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Pecora.

Senator PECORA. Mr. President, you know, it is true to some extent that time makes people forget. A few years back, under Governor Thornburgh's administration, there was a scandal in SEPTA. The chairman of the board—I think his name was Lou Gould, or Gold, or something—was forced to resign as chairman of that board because of corruption, misuse of taxpayers' dollars, and political patronage. Governor Thornburgh was forced to appoint someone else to that board. Time makes people forget, but it is still the cesspool that it previously was. I will support this legislation and I hope the other people in this body realize that we are here to represent the people of Pennsylvania, who are the principal financial supporters of SEPTA.

Thank you, Mr. President.

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

Senator FATTAH. Mr. President, I rise in support of Senate Bill No. 878, as amended, and to respond to a number of the comments that have been made earlier which indicated fairly clearly some kind of threats toward the city of Philadelphia, threats toward whether there could be some future regional cooperation. This is an issue on one side about partisanship and patronage, and on the other side about partnership. Philadelphians stand ready to be partners with our regional neighbors in a partnership that is fair and equitable, one that everyone can understand, and that is to the extent that if you

pay the cost, you can be the boss. If those suburban counties want to participate equally in the financing of mass transit, then they can have equal seats on the board. This country was founded on the notion that we should not have taxation without representation, that there should be an equality of participation, that rights go with responsibility. We always hear about how Philadelphia is trying to have more than its fair share of this or that, Philadelphia never wants to carry its weight. In this matter, as in all others, we are a city that carries our own pail of water to the table. With SEPTA, we have paid the cost, and we have been in a kind of apartheid situation with our suburban neighbors. Now, maybe it is something in the suburban air that gives people the impression that they should be able to be in control of a system into which they pay very little and determine the public policy surrounding mass transit in an area, yet be unwilling to equally foot the bill. Now, in any marriage more than a week old there are grounds for a divorce. The question is whether there are grounds for the marriage. We are prepared to be a regional partner, to participate in all kinds of regional issues with our neighbors, but it will not be out of threats. We are not in a situation where we are going to be held hostage on any issue, and we will always assert that our self-respect as Philadelphians is nonnegotiable. We pay our fair share. If others pay their share, as it is written in Senate Bill No. 878, so it will be, and that is they will have an equal share of votes on this board.

Thank you very much.

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

Senator FUMO. Mr. President, my colleagues have clearly stated the issue as to what this is about. It has nothing to do with transportation. It has all to do with protecting the patronage as it exists in the suburban Republican counties. It is not a slap in the face to constituents anywhere, but it is a slap in the face to suburban Republican warlords who have dominated that institution in a negative fashion for so long. It is not a SEPTA ripper bill. It is nothing against local cooperation, and we will not be threatened regarding local cooperation. I find it amazing to hear what I heard today about how wonderful regional cooperation has been so far and this will now destroy it. Why, we had tremendous regional cooperation in here when we asked for the wage tax to be withheld from those people who live in Philadelphia and work in the suburbs. We got terrific suburban cooperation from that - not one vote. Then when we attempted to move, and we ultimately will move, a regional authority for the airport, what happens? Oh, we have to get our money for our Delaware County people, and we have to get more people on that board so that we can control that patronage at the airport. Wonderful.

When PICA was set up to bail out the city of Philadelphia--it was said in here to bail them out, although the city is paying those bills--it was suburban Republicans who demanded that there be a qualified majority. That was for regionalization. I understand fully. Yes, I understand. And then when the State took over the Philadelphia Port Corporation and we created the Philadelphia Regional Port Authority--wonderful entity--lo and

behold, Republicans demanded that there be a qualified majority on the PRPA. Well, quite frankly, Mr. President, that is where we learned about qualified majorities. Is it not ironic that now that we want a qualified majority and a little bit of equity when it comes to SEPTA, my God, it is against regionalism. It is anti-consumer. It is anti-citizen. It is anti-taxpayer. My God, methinks thou dost protest too much.

The gentleman from Allegheny, Senator Pecora, alluded to the administration of Lou Gould, a Republican hack from Montgomery County. It got so bad that he had to leave, and, yes, SEPTA is now starting to get back on the right track, but that did not happen until the Governor demanded that Gould get off, and the Governor appointed Clayton Undercofler and demanded--and albeit, he is a suburban person, but he is the Governor's suburban person--that Clayton Undercofler become the chairman. It was not until then that SEPTA started to get on the right track.

Mr. President, who is kidding whom?

Then I heard the other misstatement of fact that if this were to be according to the amount of money put in, the Feds should run it. Mr. President, I do not know why. I would hope people would look at the record and take a look at the facts first before they come on this floor. I was always taught to do my homework. In 1993-94, SEPTA will receive \$351 million from the taxpayers of Pennsylvania. The local governments will contribute \$60.3 million, of which \$49.8 million comes from the city of Philadelphia. The Feds will contribute \$100 million. They are the biggest pikers of all. In fact, one of the biggest complaints is that they do not give enough, and if they would fully fund their formula, it would be \$125 million. So, Mr. President, I submit to you that the formula in here is very fair and equitable. It gives the qualified majority to the body that puts the most money into SEPTA, and then it does the regional based on the amount of money that is contributed. As I said earlier, and was quoted in the media today, I will be the happiest person on earth when Delaware County has six members and Philadelphia only has one, based on this formula. I will be even happier when Chester County gets six and the rest of us only have one. I do not think myself, my 3 1/2 year old daughter, and, God willing, her great-grandchildren will ever see that day.

Mr. President, now, let us talk about who pays for what. I heard a lot of talk about those taxpayers in the suburbs subsidizing those evil people in Philadelphia. Let me give you some numbers, Mr. President. Again, do your homework. This comes from the fiscal year 1994 operating budget proposal of the Southeastern Pennsylvania Transportation Authority, a document available to the Republicans as well as the Democrats. But I submit to you, they are not worried about facts, they are worried about hacks.

Mr. President, in the city transit line, the cash box, the fare box, the money taken from the ridership represents 61 percent of the budget, which means that the balance of 39 percent is subsidized through State, local, county, and Federal subsidies. But now let us get out into the suburbs, where everybody says they are paying more than their fair share. The Victory Line,

wherever that goes, contributes only 50 percent to the fare box. That means that they are being subsidized 50 percent by taxpayers throughout the Commonwealth, the Federal government, and Philadelphians. But it gets even worse when we get into the Frontier Line. Maybe that is the one that runs into Chester County. Those people who ride that line only pay 37 percent of the costs, 37 percent, compared with the residents from the evil city in southeast Philadelphia who pay 61 percent. So the balance there, Pennsylvania taxpayers and Federal taxpayers subsidize 63 percent. And let us go into the famous Regional Rail Line, the heart of the suburban transportation system. Guess what the fare box produces in that line? Guess what the riders of the suburbs pay compared to the cost to run the system? Thirty-two percent. And they talk about welfare recipients in the city of Philadelphia? This is the wealthy welfare. Thirty-two percent is all they can pay for their fair share to ride? And they want our Pennsylvania taxpayers, people in Iowa at the Federal level, and poor people in Philadelphia to subsidize them the balance of 68 percent? Give me a break, Mr. President.

This has nothing to do with fairness, has nothing to do with equity, has everything to do with political patronage. And the gentleman from Fayette, Senator Lincoln, will enlighten you in a moment as to the history and as to why the gentleman from Delaware, Senator Bell, who was here at the time, I was not, told us about how Jim Tate, the mayor of Philadelphia—a very shrewd politician, I might add—how Jim Tate got snookered into giving this deal up in the first place. He was not dumb, but he was a realist. What do you think was going on in the legislature and the Governor's office back in 1968? That will give you the logic behind the disposition and the distribution of membership on SEPTA's board. You will not find logic in ridership, you will not find it in moneys paid, you will not find it in service, and you damn well will not find it in population, but you will find it in the makeup of the General Assembly and the Governor's Office.

Mr. President, it is a shame, but I must admit it is a wonderful sight to watch my Republican friends on the other side of the aisle whine like little babies when somebody comes into their little honey pot and wants to make it fair and equitable. Every time we talk about regionalization, we only talk about regionalizing Philadelphia's things. They would like to regionalize the art museum if they could, but they damn well do not want to regionalize the school system. I wonder why? That is true regionalism. They want to regionalize the airport. Why? The airport makes money. They do not want to regionalize trash collection in North Philadelphia. Is it not wonderful?

I love this spirit of cooperation, Mr. President, and someday we are going to have it, but it is going to be fair and equitable, and people will learn that Philadelphians damn well pay their fair share of everything. They are forced to. And enough of this nonsense. Let us vote this bill and get on with some fairness and equity.

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

Senator BAKER. Mr. President, I would like to ask if

perhaps you can have the technical people check the microphone that the gentleman from Philadelphia, Senator Fumo, has been using because it seems to have a defect. As the level of logic goes down, the decibel level goes up. I have heard of this trait called projection, which is where you accuse others of your most pronounced traits, and it seems to me that is basically what has been emanating from the last speaker's comments.

Basically, I would say if he thinks that other counties will remain in a SEPTA board structured as he has structured it, he does not have to worry about that. They will not choose to participate, and over the years that he has talked about into the future what we will see is, basically, each county going its own way. And I would only ask him if he really thinks that Philadelphia will benefit from that. I do not think it will, but if, as in many of their other policies, such as the wage tax, they continue to do things that basically make it a less desirable place to live, then I think it is only going to be inevitable that the population trends that we have already seen in the metropolitan region will continue, and that is not something that particularly makes me happy, because I think that each county should have a population that is happy and feels productive and that can look on its tax money as well-spent within each county. But I do not think that will happen because I think that, naturally, the population of the suburban counties will look at what is in their interest, and if they feel that they are not welcome in terms of cooperation in helping to provide a transportation system which basically is oriented around the city of Philadelphia, then they will simply continue the trends which we have already seen, which is that 80 percent of the new jobs that are created in the metropolitan area are unserved by SEPTA.

It is no wonder that we see a dying system, it is no wonder that we can analogize SEPTA to the British Navy, where the smaller the number of ships at sea, the larger the land establishment got; the lower the ridership goes in SEPTA, the larger the bureaucracy and the more ineffective its management becomes. So, I think that the gentleman is simply contributing to a trend which he shares, as I do, a real concern about the efficiency and quality of the management there. I think this is not likely to help it, and I think it is a sad day for regional cooperation in southeastern Pennsylvania that we have this bill before us.

Thank you.

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

Senator LINCOLN. Mr. President, I cannot understand the comments of the gentleman from Chester, Senator Baker, complaining about—and right now with the control being completely in the hands of the suburban counties—that 80 percent of the new jobs being created in those areas are not being served by SEPTA, and I think he just very succinctly made the argument for changing the makeup of the board. And maybe when there is a fairer distribution of the ability to control you might see some improvement in that type of effort, because it does not seem to me that the people controlling it now have that interest

in mind.

I also would like to respond to the comments of the gentleman from Delaware, Senator Bell, about being here whenever the law was put into effect, and he talked about Mayor Tate, but for some reason he omitted the other parties who played in this compromise, if that is what you would call it. In 1968, when this law was put into effect, when it became part of the law, we had a Republican Governor, Ray Shafer; we had a Republican-controlled Senate, by a 28-22 margin; and we had a Republican-controlled House of Representatives, by 105-98. And the amazing thing is I keep hearing about the population now in the suburban counties vis-a-vis the city, and as amazing as it may seem to you, at the time that this law was created there were approximately 2 1/2 million people living in the city of Philadelphia, and the controlling interest was given to primarily beautiful rolling hills and farmland where very few people lived. So it did not make any difference at that point in time about the population and how it was situated, it was simply that the control of the legislative process that created the act in 1968 was totally and thoroughly dominated by the Republican Party.

I see this particular bill as a very serious effort to balance the effort that is being made to control a very difficult system, and as a person who has no mass transit and has had to stand at this microphone on more than one occasion and ask my colleagues to vote to spend money for mass transit, particularly in the bill that we passed 2 years ago that created a fairly decent pot of money to build roads and to do other things, we dedicated some funding to mass transit, and there are a lot of counties, including Republican counties, where mass transit is just something that people read about in the paper. They do not know what it is because they have never seen it. So I do not believe that this bill is such a bad thing. I think that the bill may go a long way to solving the problem referenced by the gentleman from Chester, Senator Baker, about the tremendous growth in Chester County and the jobs being created but no way to get there other than on our congested roads.

So I would ask that this bill be passed. I would ask for a positive vote in the hopes that maybe over the next few years we might see some very serious improvement, less politics and more improvement in the people being served in all the counties, including Philadelphia, and I would ask for a "yes" vote on the bill.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator Reibman, who have been called to their offices.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Belan and Senator Reibman. The Chair hears no objection. Those 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—25

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

NAYS—22

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

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER. Mr. President, I rise to ask for unanimous consent for the purpose of offering an amendment to House Bill No. 200, which is on third consideration.

The PRESIDENT. Senator Fisher asks for unanimous consent to offer an amendment.

FISHER AMENDMENT A2339

Senator FISHER, by unanimous consent, offered the following amendment No. A2339:

Amend Title, page 1, lines 1 through 10, by striking out all of said lines and inserting:

Amending the act of June 13, 1967 (P.L.31, No.21),

entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," further providing for uniformity in administration of assistance, for a community work program and for special needs and self-support; providing for identification of assistance recipients; further providing for assistance eligibility, for identification and proof of residence, for limits on property holdings, for utilization of Federal sources, and for other medical assistance payments; providing for liability of

property of assistance recipients, for medical assistance claims procedure, for insurance purchase and for use of Federal funds for alcohol and drug treatment; and making a repeal.

Amend Bill, page 1, lines 13 through 15; page 2, lines 1 through 30; page 3, lines 1 through 17, by striking out all of said lines on said pages and inserting:

Section 1. Sections 403(b) and 405.2(a) and (b) of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, amended or added April 8, 1982 (P.L.231, No.75), are amended and the sections are amended by adding subsections to read:

Section 403. Uniformity in Administration of Assistance; Regulations as to Assistance.—* * *

(b) The department shall establish rules, regulations and standards, consistent with the law, as to eligibility for assistance and as to its nature and extent. Whenever possible, except for residency requirements for general assistance, and consistent with State law, the department shall establish rules, regulations and standards for general assistance consistent with those established for aid to families with dependent children. In no instance shall the rules, regulations and standards established for general assistance provide for benefits greater than those benefits provided for aid to families with dependent children. If five or more general assistance recipients reside together in the same household, their income eligibility and cash benefits shall be no greater than income eligibility and cash benefits from aid to families with dependent children for a household of the same size. The secretary or his designee in writing is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law administered by the department. The secretary shall issue interim regulations whenever changes in Federal laws and regulations supersede existing statutes. In adopting regulations, orders, or standards of general application, the secretary shall strive for clarity of language which may be readily understood by those administering aid and by those who apply for or receive aid. For the purpose of this subsection, the term "household" does not include single-room occupancy residences, rooming houses, personal care facilities or nonprofit residential programs receiving charitable funding, Federal, State or local government funding.

* * *

(f) Beginning no later than July 1, 1993, the department shall collect information on each general assistance applicant to determine how long they have been residents of the Commonwealth.

(g) No general assistance shall be paid to initial applicants who voluntarily terminate their employment until thirty days after the date of termination.

Section 405.2. Community Work Program.—(a) The department shall coordinate the establishment of community work projects by departments, agencies or institutions of the Commonwealth or any political subdivision located within the Commonwealth or any agency of the Federal Government or department-approved nonprofit organizations that receive State or county funds and shall assign to these work projects cash assistance recipients for whom the Office of Employment Security has been unable to secure employment. In instances when community work projects are not available for all able-bodied cash assistance recipients, priority shall be given to general assistance recipients for referral to available projects.

(b) Every individual who has not received a bona fide offer of training or employment under section 405.1 shall, as a condition of continuing eligibility for cash assistance, report to and work in a community work project established under this section unless such individual [is over the age of forty-five or] is exempt from the registration requirements of section 405.1. Such individual shall be required to work that number of hours which when multiplied by the applicable minimum wage equals the amount of cash assistance such person receives: Provided, however, That the parent or other caretaker of a child between the ages of six and fourteen who is personally providing care for the child with only very brief and infrequent absences from the child shall not be required to participate in community work projects except on days and at times when the child is

in school or when there are adequate day-care arrangements available for the child at no cost to the recipient. No lien shall be imposed against the real property of the individual under the act of June 24, 1937 (P.L.2045, No.397), known as "The Support Law," to recover cash assistance payments paid to that individual for the period that the individual actually works in community work projects.

* * *

(g) The department shall establish community work experience projects to insure that all transitionally needy general assistance cash recipients can continue receiving their benefits. The department shall place a client, whenever feasible, in an appropriate education training or job search activity to improve his employability or obtain bona fide employment in addition to mandatory participation in a community work experience project during the ninety-day period that cash assistance benefits are received.

(h) General assistance recipients who have completed a job training program shall, within two years of that completion, take gainful employment or participate in a community work program, in order to retain eligibility for assistance. The department shall require the worksite to be responsible for all recordkeeping associated with the community work experience employees.

Section 2. Section 408 of the act, amended April 8, 1982 (P.L.231, No.75), is amended to read:

Section 408. Meeting Special Needs; Encouraging Self-Support and Employment.—(a) The department shall take measures not inconsistent with the purposes of this article; and when other funds or facilities for such purposes are inadequate or unavailable to provide for special needs of individuals eligible for assistance; to relieve suffering and distress arising from handicaps and infirmities; to promote their rehabilitation; to help them if possible to become self-dependent; and, to cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitative or similar services.

(b) For the purpose of increasing Federal funding and facilitating health in children, preventing malnutrition, low birth weight and infant mortality, and providing nutritious foods for infants, children, pregnant women and nursing mothers, the department shall designate State supplemental Women, Infants and Children (WIC) benefits as a Special Need Item for persons eligible for federally funded categories of cash assistance.

Section 3. The act is amended by adding a section to read:

Section 414. Assistance Recipient Identification Program.—(a) There is hereby created a pilot program within the department to be known as the Welfare Recipient Identification Program.

(b) The purpose of the program is to eliminate duplication of assistance to recipients.

(c) The department shall select three counties in this Commonwealth representing rural, suburban and urban areas to participate in this program.

(d) A person currently receiving or applying for assistance shall participate in the program. The person shall be finger-photo identified.

(e) It is a violation for a person in the program to acquire or attempt to acquire duplication of assistance.

(f) Absent a court order, only the department shall have access to records under this program.

(g) The department shall make a report to the General Assembly one year after the effective date of this act. The report shall include caseload data before implementation of this section as well as after one year for comparison purposes to judge the programs's effectiveness at fraud deterrence.

(h) As used in this section, "program" shall mean the Assistance Recipient Identification Program.

(i) This section shall expire one year after the effective date of this act.

Section 4. Section 432(3) and (5) of the act, amended April 1, 1976 (P.L.64, No.28) and April 8, 1982 (P.L.231, No.75), are amended and the section is amended by adding a clause to read:

Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards

established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (2), and (3) shall be eligible for assistance:

* * *

(3) Other persons who are citizens of the United States, or legally admitted aliens and who are chronically needy or transitionally needy persons.

(i) Chronically needy persons are those persons chronically in need who may be eligible for an indeterminate period as a result of medical, social or related circumstances and shall be limited to:

(A) A child who is under age eighteen or who is attending a secondary or equivalent vocational or technical school full-time and may reasonably be expected to complete the program before reaching age nineteen.

(B) A person who is over [forty-five] fifty-five years of age.

(C) A person who has a serious physical or mental handicap which prevents him or her from working in any substantial gainful activity as determined in accordance with standards established by the department. The department may require that documentation of disability be submitted from a physician or psychologist. The department may also order at the department's expense a person to submit to an independent examination as a condition of receiving assistance under this clause. The department shall determine eligibility within thirty days from the date of application. Persons discharged from mental institutions shall be classified as chronically needy in accordance with department regulations.

(D) A person who is a caretaker. This category of persons shall include persons whose presence is required in the home to care for another person as determined in accordance with department regulations.

(E) A person suffering from drug or alcohol abuse who is currently undergoing active treatment in [an approved program] a program approved by the single-county authority. No individual shall qualify as chronically needy under this clause for more than nine months.

(F) A person who is employed full-time and who does not have earnings in excess of current grant levels.

(G) Any person who is ineligible for unemployment compensation and whose income falls below the assistance allowance level as a result of a natural disaster as determined by the department.

(H) Any person who has previously been employed full time for at least forty-eight months out of the previous eight years and has exhausted his or her unemployment compensation benefits prior to applying for assistance.

(I) Any person who does not otherwise qualify as chronically needy, and who is receiving general assistance on the date this section is enacted into law and who has not refused a bona fide job offer or otherwise failed to comply with all employment requirements of this act and regulations promulgated thereunder. Such person must comply with all employment requirements of this act and regulations promulgated thereunder. If after the date this section is enacted into law a person's general assistance grants are terminated, then that person may not subsequently qualify for general assistance under this clause except when such person has been terminated from employment through no fault of his own and has not met the minimum credit week qualifications of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." If it is determined that the classification of persons according to their status on the date of enactment as provided in this clause is invalid, then the remainder of this act shall be given full force and effect as if this clause had been omitted from this act, and individuals defined in this clause shall be considered transitionally needy if otherwise eligible. No person shall qualify for general assistance under this clause after December 31, 1982.

(ii) Assistance for chronically needy persons shall continue as long as the person remains eligible. Redeterminations shall be conducted on at least an annual basis and persons capable of work, even though otherwise eligible for assistance to the chronically needy, would be required to register for employment and accept employment

if offered as a condition of eligibility except as otherwise exempt under section 405.1.

(iii) Transitionally needy persons are those persons who are otherwise eligible for general assistance but do not qualify as chronically needy. [Assistance] Except as otherwise provided in this subclause, assistance for transitionally needy persons shall be authorized only once in any twelve-month period in an amount not to exceed the amount of ninety days' assistance. To receive cash assistance benefits, a transitionally needy person who is eighteen years of age or older and under fifty-six years of age must participate in a community work experience project during the ninety-day period that cash assistance benefits are received. In addition, a transitionally needy person shall participate, whenever feasible, in one of the following department-approved programs:

(A) Job training.

(B) General Equivalency Diploma.

(C) English as a second language.

(D) Literacy training.

(E) Drug or alcohol treatment.

Medical assistance for transitionally needy recipients shall continue as otherwise provided by law.

* * *

(5) Assistance may be granted only to or in behalf of a resident of Pennsylvania.

(i) Needy persons who do not meet the residence requirements stated in this clause and who are transients or without residence in any state, may be granted assistance up to seven days in the form of vendor payments, all in accordance with rules, regulations, and standards established by the department.

(ii) Notwithstanding the maximum aid payments as determined by the department, recipients of general assistance and aid to families with dependent children who have resided in this Commonwealth for less than twelve months shall be paid an amount calculated in accordance with department standards, but not to exceed the maximum aid payment that would have been received from the recipient's state of prior residence, unless that amount exceeds the maximum payment level available to recipients in this Commonwealth. When the maximum aid payment from a recipient's state of prior residence exceeds that amount which would otherwise be available in this Commonwealth, the recipient shall receive an amount not to exceed the amount available in this Commonwealth. The provisions of this subclause shall not apply to Aid for Families with Dependent Children or General Assistance recipients who can establish that they moved to this Commonwealth to escape an abusive living situation. The department shall adopt rules governing the proof required to establish that the applicant has moved to this Commonwealth to escape an abusive living situation.

* * *

(8) The department shall not categorize any such person as chronically needy unless it has fully explored whether the child is eligible for Aid to Families with Dependent Children (AFDC). In furtherance of this end, the department shall:

(i) use the broadest possible definition of incapacity under Federal law and regulations and design a medical assessment form consistent with that definition;

(ii) use the broadest possible criteria permitted under Federal law and regulations regarding eligibility for AFDC for unemployed parents (AFDC-U); and

(iii) create flexible verification criteria for establishing the necessary degree of relatedness for specified relatives.

The pursuit of AFDC eligibility for any child shall not delay the child's receipt of public assistance. By October 1, 1995, the department shall complete a review of all general assistance household cases that contain at least one child to determine whether said household can be converted to AFDC.

Section 5. Sections 432.4 and 432.5(c) of the act, amended April 8, 1982 (P.L.231, No.75), are amended to read:

Section 432.4. Identification and Proof of Residence.—(a) All persons applying for assistance shall provide acceptable identification

and proof of residence; the department shall by regulations specify what constitutes acceptable identification and proof of residence. A person shall be deemed to be a resident when he or she documents his or her residency and that residency is verified by the department. Verification may include, but is not limited to the production of rent receipts, mortgage payment receipts, utility receipts, bank accounts or enrollment of children in local schools. General assistance applicants must establish that they have been residents of this Commonwealth for at least ninety days immediately preceding their application. The provisions of this subsection shall not apply to general assistance applicants who can establish that they moved to this Commonwealth to escape an abusive living situation. The department shall adopt rules governing the proof required to establish that the applicant has moved to this Commonwealth to escape an abusive living situation.

(b) For the purpose of determining eligibility for assistance, the continued absence of a recipient from the Commonwealth for a period of thirty days or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside the Commonwealth.

(c) If a recipient is prevented by illness or other good cause from returning to the Commonwealth at the end of thirty days, and has not acted to establish residence elsewhere, he shall not be deemed to have lost his residence in the Commonwealth.

(d) When a recipient of aid to families with dependent children or general assistance is absent from the United States for a period in excess of thirty days, his aid shall thereafter be suspended whenever need cannot be determined for the ensuing period of his absence.

Section 432.5. Limits on Property Holdings.—* * *

(c) Other property in excess of two hundred fifty dollars (\$250) for a single person assistance unit and other property in excess of one thousand dollars (\$1,000) for assistance units with more than one person shall be considered an available resource. The following items shall not be considered an available resource, unless such consideration is required under Federal law or regulations:

(1) Wedding and engagement rings, family heirlooms, clothing and children's toys.

(2) Household furnishings, personal effects and other items used to provide, equip, and maintain a household for the applicant and recipient.

(3) Equipment and material which are necessary to implement employment, rehabilitation, or self care plan for the applicant or recipient.

(4) A motor vehicle with an equity value that does not exceed limits as the department may establish by regulation.

(5) Retroactive assistance payments received as a result of a prehearing conference or a fair hearing decision.

(6) Accumulated assets established under the act of April 3, 1992 (P.L.28, No.11), known as the "Tuition Account Program and College Savings Bond Act," or a restricted education savings account approved by the department.

* * *

Section 6. Section 432.21 of the act is amended by adding subsections to read:

Section 432.21. Requirement that Certain Federal Benefits be Primary Sources of Assistance.—* * *

(c) The department shall institute steps to identify any recipients and applicants for assistance who may be eligible for Social Security Survivor's benefits and shall provide assistance to them in applying for and obtaining said benefits, including, but not limited to, informing recipients and applicants of the eligibility standards for Social Security Survivor's benefits, helping them complete Social Security application forms and helping them obtain records establishing paternity.

(d) The department shall institute steps to aid recipients or applicants for assistance who are users of mental health and mental retardation (MH/MR) services, beginning with high users of services, to apply for and receive Federal Supplemental Security Income (SSI) and Federal Social Security Retirement, Survivor's and Disability Income benefits (RSDI). In furtherance of this end, the department

shall:

(1) offer incentives, financial and otherwise, to providers of MH/MR services, including hospitals and community-based mental health/mental retardation centers, to assist their patients in applying for SSI and RSDI and to provide medical records and reports to support said applications;

(2) require each MH/MR center to designate a public benefits counselor to coordinate efforts to obtain SSI and RSDI for patients of the center and to serve as a liaison with the department's Disability Advocacy Program (DAP) workers and with the Social Security Administration, including the State Bureau of Disability Determinations under Federal contract, to do disability evaluations; and

(3) require all providers of mental health and mental retardation services to refer any denials of SSI and RSDI to the DAP.

Section 7. Section 443.3 of the act, amended November 28, 1973 (P.L.364, No.128), is amended to read:

Section 443.3. Other Medical Assistance Payments.—(a) Payments on behalf of eligible persons shall be made for other services, as follows:

(1) Rates established by the department for outpatient services as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act consisting of preventive, diagnostic, therapeutic, rehabilitative or palliative services; furnished by or under the direction of a physician, chiropractor or podiatrist, by a hospital or outpatient clinic which qualifies to participate under Title XIX of the Federal Social Security Act, to a patient to whom such hospital or outpatient clinic does not furnish room, board and professional services on a continuous, twenty-four hour a day basis.

(2) Rates established by the department for (i) other laboratory and X-ray services prescribed by a physician, chiropractor or podiatrist and furnished by a facility other than a hospital which is qualified to participate under Title XIX of the Federal Social Security Act, (ii) physician's services consisting of professional care by a physician, chiropractor or podiatrist in his office, the patient's home, a hospital, a nursing home or elsewhere, (iii) the first three pints of whole blood, (iv) remedial eye care, as provided in Article VIII consisting of medical or surgical care and aids and services and other vision care provided by a physician skilled in diseases of the eye or by an optometrist which are not otherwise available under this Article, (v) special medical services for school children, as provided in the Public School Code of 1949, consisting of medical, dental, vision care provided by a physician skilled in diseases of the eye or by an optometrist or surgical care and aids and services which are not otherwise available under this article.

(b) As used in subsection (a)(2)(v), special medical services shall also include supplemental food, prescribed by a physician for children, infants, pregnant women and nursing mothers, available under the State supplemental WIC appropriation.

Section 8. The act is amended by adding sections to read:

Section 448. Property of Persons Liable for Expenses Incurred for Support and Assistance.—(a) Except as limited by subsection (c), the real and personal property of any person shall be liable for the expenses of support, maintenance, assistance and burial of the person and the person's spouse and unemancipated minor children incurred by any public body or public agency if the property was owned during the time the expenses were incurred or if a right or cause of action existed during the time the expenses were incurred from which (right or cause of action) the ownership of the property resulted. Any public body or public agency may sue the owner of the property for money so expended, and any judgment obtained shall be a lien upon the estate of the owner and be collected as other judgments, except as to the real and personal property comprising the home and furnishings of the owner.

(b) Except as limited by subsection (c), any claim for the expenses of support, maintenance, assistance and burial of a person or a person's spouse or unemancipated minor children held by any public body or public agency shall have the same force and effect against the real and personal estate of a deceased person as other debts of a decedent and shall be ascertained and recovered in the

same manner.

(c) No lien may be imposed against the real property which is the primary residence of a person or of the person's spouse on account of assistance paid or to be paid on the person's behalf except pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of the person; and there shall be no adjustment or recovery from the person's estate or from the estate of the person's spouse of assistance correctly paid on behalf of the person.

Section 454. Procedure in Relation to Certain Medical Assistance Claims.—(a) The department shall amend the State Medical Assistance Plan to adopt the option of making independent disability determinations of persons with alcoholism and other drug dependencies for purposes of medical assistance eligibility as authorized by Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396a(v)).

(b) The department shall transfer persons on general assistance who appear to meet the Social Security disability criteria to Federal medical assistance and shall seek Federal match for the cost of these services.

Section 455. Purchase of Private Insurance.—The department shall, as provided for in Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), purchase private insurance with Medicaid funds, under the most cost-effective option allowed by Federal law.

Section 456. Maximization of Federal Funds for Alcohol and Other Drug Dependency Treatment under Medical Assistance.—The department shall take all efforts necessary to maximize Federal funds under the medical assistance program for alcohol and other drug dependency treatment now funded with purely State funds. Such efforts shall, at a minimum, include the following:

(1) train Disability Advocacy Project workers in Social Security disability criteria for persons with alcoholism and other drug dependencies;

(2) design a system to identify persons on general assistance who are alcohol or other drug dependent and refer those persons to specially trained Disability Advocacy Project workers;

(3) amend the State Medical Assistance Plan to adopt the option of making independent disability determinations of persons with alcoholism and other drug dependencies for purposes of medical assistance eligibility as authorized by Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.); and

(4) transfer persons on general assistance who appear to meet the Social Security disability criteria to Federal medical assistance and seek Federal match for the cost of the services provided to them.

Section 457. Maximization of Federal Funds for Residential Alcohol and Other Drug Dependency Treatment.—The department shall take all efforts necessary to maximize Federal funds under the medical assistance program for residential alcohol and other drug dependency treatment now funded with purely State funds pursuant to sections 2334 and 2335 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." Such efforts shall, at a minimum, include the following:

(1) where cost effective, provide funds to residential alcohol and other drug dependency treatment facilities that serve persons under twenty-one years of age to become accredited by the Joint Commission on Accreditation of Health Care Organizations and then seek Federal match for Medicaid eligible persons under twenty-one years of age treated in such facilities;

(2) amend the State Medical Assistance Plan and seek Federal match for any individual eligible for medical assistance under Federal requirements being treated in a residential facility having less than seventeen treatment beds;

(3) amend the State Medical Assistance Plan and seek Federal match under the optional targeted case management provision of the Federal Medical Assistance Program as provided for in the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) for any case management services currently or anticipated to be provided under sections 2334 and 2335 of "The Administrative Code of 1929," including those case management services to be provided under contract

with the Single County Drug and Alcohol Authorities; and

(4) enter into negotiations with the Health Care Financing Administration regarding obtaining Federal match under medical assistance for other individuals receiving residential alcohol and other drug dependency treatment.

Section 9. Section 4 of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law, is repealed.

Section 10. Real property used as the primary residence of an individual which, as of the effective date of this section, is subject to a lien under section 4 of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law, is released from the lien.

Section 11. This act shall take effect as follows:

(1) The following provisions of this act shall take effect in 60 days:

(i) The addition of the fourth sentence of section 403(b) of the act.

(ii) The amendment of section 432(3)(i)(E) of the act.

(iii) The addition of section 448 of the act.

(iv) The repeal of section 4 of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law.

(v) Section 10 of this act.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 90 days.

On the question,

Will the Senate agree to the amendment?

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

POINT OF ORDER

Senator LINCOLN. Mr. President, point of order.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state his point of order.

Senator LINCOLN. Mr. President, I would state that the amendment is out of order because it is not germane to the issue, and for that reason, the amendment should not be offered. It is not germane to the bill.

Senator FISHER. Mr. President.

The PRESIDENT. If the gentleman would yield for just a moment, the Senate will be at east for just a moment.

(The Senate was at ease.)

The PRESIDENT. The Chair thanks the Senate for its indulgence and thanks the Members of the Senate for the sidebar consultation.

The Chair would rule that the point of order of the gentleman from Fayette, Senator Lincoln, is well-taken, that after review of the Fisher amendment, it deals with a number of issues ranging from residency requirements to cash benefits, and so on, and attempts to add a completely different set of items into a Title 42 bill, and for that reason, the Chair would rule that the amendment is not germane and is out of order at this point.

RULING OF CHAIR APPEALED

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

Senator FISHER. Mr. President, I would appeal the ruling of the Chair.

The PRESIDENT. Senator Fisher appeals the ruling of the

Chair.

On the question,
Will the Senate sustain the ruling of the Chair?

The PRESIDENT. On the appeal, the Chair would first recognize the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, on the ruling, I just want to be clear. The Chair is basing its ruling on the non-germaneness on the basis that it amends two different codes, is that correct?

The PRESIDENT. That is not the basis on which the Chair ruled it nongermane, but since the gentleman brought it up, it is a point worth noting, that, in fact, the amendment would draw to two completely different titles in Pennsylvania codes, and it could be another argument for it not being germane.

Senator WILLIAMS. Mr. President, in other words, the Chair is including all the reasons it would not be germane, so the ruling would include all those things, so any further debate would consider any of those items, is that correct?

The PRESIDENT. The gentleman is correct.

Senator WILLIAMS. Mr. President, thank you.

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

Senator FISHER. Mr. President, on the appeal, this amendment which is before us, which has been cosponsored by myself and the gentleman from Venango, Senator Peterson, is an amendment which would provide for welfare reform. It is hard for me to understand--

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President.

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

Senator LINCOLN. Mr. President, a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state his point.

Senator LINCOLN. Mr. President, would you very carefully state the parameters of debate on this issue?

The PRESIDENT. The Chair thanks the gentleman, because it is important to find those parameters.

The merits and the substance of the amendment itself are not relevant to this discussion. The reasons for the Chair's ruling and the reasons for appealing that ruling are in order at this time.

And, again, for the information of the Members, after the sidebar discussion and in colloquy with Senator Williams, the Chair would point out that he is basing his ruling on germaneness both on the substance of the amendment, which includes a number of items related to the Welfare Code as opposed to the support law, and also the fact that the bill would deal with a completely different title of law than exists in House Bill No. 200 as it is presently configured. I hope that has cleared things up. I am not sure.

The Chair recognizes the gentleman from Allegheny,

Senator Fisher.

Senator FISHER. Mr. President, as I said, this amendment deals with welfare reform. It deals with putting people back to work. It deals with establishing a residency requirement.

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President.

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

Senator LINCOLN. Mr. President, a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state his point.

Senator LINCOLN. Mr. President, the instructions that I heard very clearly from the Chair on the parameters of debate on this issue were that the contents of the amendment were not part of the debate, that the reason for opposing the decision was based on simply the decision that it was not germane based on the reasons you stated, and I would ask you, Mr. President, to stay very close and clear with those parameters.

The PRESIDENT. The Chair will definitely attempt to do that. However, the Chair also recognizes the difficulty that the gentleman from Allegheny, Senator Fisher, must be having in attempting to address his reasons without talking at all about the amendments.

Let me suggest that this is going to require a certain degree of finesse. Let me also suggest that it is late in the week, and we can probably get through this debate if we approach it in a scholarly and collegial fashion.

Senator Fisher, I would hope that you can contain your remarks to some degree of reason.

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

Senator LINCOLN. Mr. President, while I can appreciate the time in the week, while I can appreciate the desire to have a scholarly debate, I believe a scholarly debate would apply to the rules as they are applied to the Members of this Senate. I will be persistent in my efforts to make sure that the debate is centered strictly on the rules in a scholarly manner, and I think the parameters set by the Chair should be adhered to.

The PRESIDENT. The Chair thanks the gentleman, and I will certainly concur and try to join you in that as well.

The Chair recognizes the gentleman from Venango, Senator Peterson.

PARLIAMENTARY INQUIRY

Senator PETERSON. Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Venango, Senator Peterson, will state it.

Senator PETERSON. Mr. President, I guess when I heard the demand by the Majority Leader--

Senator LINCOLN. Mr. President, that was not a demand. I made a motion under the rules of this Senate.

Senator PETERSON. Please.

The PRESIDENT. The Chair thanks the gentleman.

Senator LINCOLN. Mr. President, not a demand.

Senator PETERSON. Mr. President, the request, whatever, suggestion. It seems to me if the gentleman from Allegheny, Senator Fisher, veers into deep detail of the amendment, that is out of order, but when he was clearly listing the titles or the things that would be changed in a very brief description, how do we make a determination if it is germane or not if we do not have a chance to even state what it is? I think he was trying to very quickly click through the multitude of things that the amendment covers and then try to explain why it is germane to the bill that he is attempting to amend, and I think in fairness to the gentleman from Allegheny County, Senator Fisher, the Chair should allow him to, in a very brief way, explain that, because you cannot make a decision without that information.

The PRESIDENT. Actually, the Chair appreciates the comments from the gentleman from Venango, Senator Peterson, and he has given us a possible way to deal and to proceed in a fair manner, and the Chair tends to agree. The Chair will not accept a lengthy discussion on the specifics of the amendment. The gentleman from Allegheny, Senator Fisher, may address the types of things in the amendment if he does so briefly, and we can move forward with this debate.

The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, on that point, I think we are going to waste more time in trying to limit. I would hope the Chair would encourage people to be clear, make their points, but allow latitude to go ahead and do that. It does not take a rocket scientist to say what they mean, and it does not take a rocket scientist to know when they are veering. I have confidence in the Chair, and I would hope that the gentlemen and gentlewomen would have the latitude to say what they mean without those constraints because then we are going to waste a lot of time disposing of this issue.

So, I would like to encourage that at least the main proponent be able to say what he wants to say and try to say what he means, with some latitude.

The PRESIDENT. The Chair thanks the gentleman and again is grateful for that guidance and agrees completely.

The Chair is willing to give latitude only to the extent of touching briefly on specifics without detailing, and in the interest of hearing everybody on the subject, the Chair would also suggest that we be concise and cogent, collegial, cooperative, and quick.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, had I not been interrupted, I probably would already be done, but since I was interrupted, I can think of more things to say on behalf of my argument, so I will probably be longer.

But, as indicated, my amendment deals with welfare reform, putting people back to work, establishing a residency requirement.

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, a point of parliamentary inquiry.

Senator FISHER. Mr. President, it is clear that the Majority Leader does not want to hear an argument.

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

Senator LINCOLN. Mr. President, the ruling on germaneness has been very clearly put forth by the Chair. The parameters of the debate are very clear. I do not care about latitude, I care about the rules. The rules are that he should be arguing why his amendment is germane because of the ruling, not because of the content of the amendment, and I would—

The PRESIDENT. The gentleman is correct.

Senator LINCOLN. —ask the Chair to stay with his original discussion about parameters.

The PRESIDENT. The gentleman's comments are appreciated, but let me point out that after discussion with several of the Members, what we will do is proceed by allowing some mention of the specifics of amendment. That is all that Senator Fisher was doing. We are not going to allow him to discuss them in detail. We are simply going to allow him to outline briefly—

Senator LINCOLN. Mr. President.

The PRESIDENT. —and, frankly, he was well on the way to completing that list.

Senator LINCOLN. Mr. President.

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

Senator LINCOLN. Mr. President, under the rules of the Senate we have a thing called Petitions and Remonstrances which will allow an opportunity for the gentleman from Allegheny, Senator Fisher, to read everything that he wants to say into the record. He can take as long as he wants to debate it. The reason we have rules is so that you have guidelines to operate by. The guidelines for this particular issue were set very clearly by the Chair when he ruled that the amendment was not germane. To allow for anything else but that is one of the things that causes us to go on and on and on for months and months and months sometimes.

I would ask the Chair to stick very closely and very disciplined to the decision made on the parameters, and that did not include listing Welfare Code reforms that are being put into the record.

The PRESIDENT. The Chair thanks the gentleman for his request, and the Chair is going to do his typical even-handed job of trying to move the debate forward in a reasonable fashion.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, it is clear that the Majority Leader does not want to hear about welfare reform, and I am not going to debate the issue of welfare reform on this argument, but it is contained within this proposed amendment. But let me just say, Mr. President, on the issue that is before this Senate, the issue before this Senate is whether or not an

amendment on welfare reform is germane to a bill that attempts to abolish welfare liens. That is what the issue is. The rule of this Senate, Rule XIV, which deals with amendments, says when they are in order. It says, "No amendments shall be received by the presiding officer or considered by the Senate which destroys the general sense of the original bill...."

The general sense of the original bill was to deal with the plight of welfare recipients. The liens that are placed on properties that are affected by this act are liens that have been placed on properties as a result of cash grants, medical assistance, and other payments made to welfare recipients. These liens will also, if this bill is not passed, continue to be placed against property of welfare recipients in this Commonwealth.

Mr. President, for the President to rule that an amendment dealing with the amount of moneys that are paid to welfare recipients, the circumstances under which those will be received by welfare recipients, is not germane to the substantive bill I believe is contrary to the past practices of this Senate, to the custom of this Senate, and to the rules of this Senate.

Now, Mr. President, I do not have to go much further than the very last issue that was decided by the Senate to prove my point. But obviously, the combined recollection of all the Members of this Senate will go even beyond that. I cite the case of House Bill No. 878, Printer's No. 957, which came to the Senate. It dealt with the subject of revocation and suspension of operating privileges. That was the substance of the bill. Now, in the last debate, which took about an hour, did you hear anybody talk about the suspension of operating privileges when we dealt with final passage of House Bill No. 878? No. Why not? Because somewhere in this process—I believe in the Committee on Rules and Executive Nominations or in the Committee on Appropriations—that bill was substantially changed to add changes dealing with SEPTA.

Now, Mr. President—

POINT OF ORDER

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

Senator AFFLERBACH. Mr. President, a point of order, please.

The PRESIDENT. The gentleman from Lehigh, Senator Afflerbach, will state his point of order.

Senator AFFLERBACH. Mr. President, with all due respect to the gentleman from Allegheny, Senator Fisher, the prior bill about which he is speaking has already been passed by this Senate and moved along. I do not think that belongs in this debate. I think the debate should be centered, as the Majority Leader has asked, on the provision of germaneness for his particular amendment to the particular bill before us.

The PRESIDENT. The Chair respectfully disagrees with the gentleman from Lehigh, Senator Afflerbach. The gentleman from Allegheny, Senator Fisher, was using it as an example to make his case, and the Chair will allow it.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I thank you for ruling in that fashion. It is the appropriate ruling, and I am not going to go on and on. I know it is late. It is Friday. There is a lot of traffic out on the highways, and we are looking for other bills. But, you know, one of the bills we are looking for is a bill which deals with finances in this Commonwealth, and the issue of welfare reform deals with finances in this Commonwealth, and the issue of welfare reform, Mr. President, is clearly germane to the content of House Bill No. 200.

Mr. President, we are asking for an opportunity to debate, on the same day in which we are going to debate the General Fund budget, to be able to debate the issue of welfare reform. I believe there is broad support for that issue on both sides of the aisle, as was typified by the broad support for a welfare reform measure on both sides of the aisle in the House of Representatives. And, Mr. President, I believe for that reason, and for the reason that this amendment is clearly germane to the subject matter of the bill, I believe that an affirmative vote in support of my appeal from the ruling of the Chair is proper. I would ask each and every Member to put aside the partisanship that has existed this week. Put it aside to give us a chance to debate welfare reform.

The PRESIDENT. And on the appeal to the ruling of the Chair, does the gentleman from Fayette, Senator Lincoln, wish to speak?

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

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

The PRESIDENT. An "aye" vote would be to sustain the motion made by the gentleman from Allegheny, Senator Fisher, on the ruling of the Chair; that is, to oppose the ruling of the Chair. A "no" vote would be against the appeal and therefore support the ruling of the Chair.

Senator LINCOLN. Mr. President, I would ask for a "no" vote.

The PRESIDENT. On the question, the Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, you were not moving the question, right?

Senator LINCOLN. Mr. President, I have asked for a "no" vote so that we can support the Chair.

Senator WILLIAMS. Mr. President, very briefly, apparently this is an attempt to have some political rhetoric take place about welfare reform, and, very frankly, nobody in this Chamber has offered anything anywhere close to that. Nowhere close to that. There are smoke and mirrors, and just last year, I do not know what newspaper said it, but they said that this lien bill should stand on its own. It said it is a working-class bill. This is for white working-class people mainly. And I do not know how these political shenanigans, as they said in this article, should be indulged in, deceptively in the name of welfare reform.

However, very briefly, talking about germaneness, germaneness by definition in the dictionary says something that is pertinent or relevant to the matter at hand, to the point at hand,

connected to the point at hand. None of these offerings, not one has anything at all to do with relieving an unfortunate working person who pays taxes and who has a problem from the indignity of a lien when other people never had it. Not one of these has anything at all to do with that. Not one. Residency, what does that have to do with that? These are people who have lived in Pennsylvania all their lives. Not only is it not germane by Webster's definition, but common sense would say that what is trying to be fomented by the Republicans started last year - an attempt to offer nothing anytime they see an opportunity, nothing, and it is totally clear. I challenge the gentleman to offer anything on that list which says anything about the indignity that should be removed from a working person, a lien; anything at all about a policy which says we should not hold people hostage. What does that have to do with a lien? What are you talking about?

What you are offering, by content, is very weak. It is not reform. It is nowhere close to reform. You keep saying it is reform as though it would have a life of its own. That kind of tom-foolery is what has us in the political decadence that we are in - people talking about poor people and hoping the folks back home will believe you are talking about something important. Put some real welfare reform on that book and I will tell you here and now that as long as this part of the Chamber is in charge of the committee, we will have a chance to really debate some real welfare reform where the taxpayer wins and the poor people get opportunities to get off their seats and work. That is what our Commonwealth wants to hear. Not one thing on this is welfare reform or related to the lien bill.

Mr. President, it just does not meet the definition of being germane. It is not relevant to the point at hand, which specifically has to do with a lien, an indignity to Pennsylvanians. How dare anybody slow the roll so we cannot remove that indignity after all these years?

I join the Majority Leader in his request for a resounding vote of "no," so that all Pennsylvanians know we respect people, people who went to war for this country, steelworkers and others whose hands went to work to build Pennsylvania. How dare we hold that hostage to some request about germaneness? It is not on the point. Like the book says, it has to be on the point at hand, and that is the lien bill, Mr. President.

Thank you.

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

Senator PETERSON. Mr. President, I, as a Member who for this, the second Session, has supported a removal of the lien bill and have supported it with many votes, find it very hard to understand that where liens are placed on properties or have historically been placed on properties because of cash payments, that talking about the cash payments which create the liens is not germane. Those are as tied together as bread and butter. Now, the issue that was talked about a little bit ago--I have forgotten what the first issue was, but the second was revamping SEPTA--had absolutely no relationship, and that was not an issue.

I urge my colleagues to support germaneness of this amendment. I guess I would say in conclusion, I am a person who believes that if good, open debate is had on all issues, in many cases, or in most cases, you will do the right thing, but I have found it disappointing and troubling this week specifically where the Majority Leader again and again and again has tried to throttle debate, has tried to throttle the normal process to expedite what was going on in the budget process.

I urge the Majority Leader in the weeks ahead--and I understand that he is the Majority Leader and he is in the Majority, but being in the Majority does not give you the right to limit debate, to stop good, basic argument, it only gives you the right to run the process. But the process should be fair and it should not be thwarted every time someone wants to debate or amend. That is not what the Majority is all about.

Thank you.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS--22

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

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.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair first recognizes the presence on the floor of Senator Scanlon. Senator Fattah is also with us. Their temporary Capitol leaves will be cancelled.

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

MOWERY AMENDMENT A2292

Senator MOWERY, by unanimous consent, offered the following amendment No. A2292:

Amend Title, page 1, lines 9 and 10, by striking out all of said lines and inserting: further providing for property of persons liable for expenses incurred for support and assistance.

Amend Sec. 1 (Sec. 4), page 2, line 4, by striking out the brackets before and after "real and"

Amend Sec. 1 (Sec. 4), page 2, line 5, by inserting after "person": fifty-nine years of age or younger

Amend Sec. 1 (Sec. 4), page 2, line 15, by striking out the brackets before and after "real"

Amend Sec. 1 (Sec. 4), page 2, lines 17 and 20, by striking out the bracket before ", which" in line 17 and after "children" in line 20

Amend Sec. 1 (Sec. 4), page 2, line 29, by striking out the bracket before "property"

Amend Sec. 1 (Sec. 4), page 2, lines 29 and 30, by striking out ")] REAL PROPERTY WHICH IS THE PRIMARY RESIDENCE"

Amend Sec. 1 (Sec. 4), page 3, line 1, by striking out the brackets before and after "medical"

Amend Sec. 1 (Sec. 4), page 3, line 1, by striking out the brackets before and after "for the aged"

Amend Sec. 1 (Sec. 4), page 3, line 6, by striking out the brackets before and after "medical"

Amend Sec. 1 (Sec. 4), page 3, line 6, by striking out the brackets before and after "for the aged"

Amend Sec. 1 (Sec. 4), page 3, by inserting between lines 7 and 8: (d) The amount of the lien placed against a property of a welfare recipient under this act shall be reduced by an amount equal to the monthly welfare payment which the person received for each month during which the person is employed full time following the placement of the lien.

Amend Sec. 2, page 3, lines 13 through 16, by striking out all of said lines

Amend Sec. 3, page 3, line 17, by striking out "3" and inserting:
2

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

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

Senator MOWERY. Mr. President, for a number of votes over the years in the House of Representatives I always voted to not allow liens to be taken away. During the last few days, hearing many of the comments of my associates here on the floor of the Senate, I feel that, yes, probably the time has come to consider eliminating liens on our welfare recipients.

I feel that for those who are over the age of 60 the liens be totally removed, but in line with what the gentleman from Philadelphia, Senator Williams, had presented regarding a way in which to give incentives to get off of welfare for those who are looking for jobs and able to work, and along the lines of what the President is currently proposing to give incentives for people to get off welfare, I feel that by this amendment we would also have an opportunity for each month that a welfare recipient is off the rolls of welfare, working or whatever, each month they are off would take a month off dollar-wise of what the lien is valued at any given time. You know, it gives an opportunity for people, and I am not asking for them to take the money they are earning. I am only saying that we would forgive, for every month they were on welfare, we would forgive for every month they went to work. So, eventually people have a chance to eliminate these liens and they have an incentive to eliminate these liens.

I think to just give and wipe out the lien system in Pennsyl-

vania is entirely wrong. In talking a few years ago when this subject came up in the House of Representatives, the Department of Welfare claimed that there were many who would go on the rolls if it had not been for the lien provisions that we have in Pennsylvania, and, you know, at a time when we have ever-increasing concerns about the cost of welfare in Pennsylvania, it seems wrong to take away something that has had some impact on keeping people off the welfare rolls.

I think, Mr. President, that this amendment would do a great job and be very fair. I realize, as I mentioned earlier, that those over 60 would have very little opportunity at this time to probably go to work or get off the welfare rolls, and for that reason, this amendment forgives all those liens. But for our younger people who are on welfare, I think this gives them an incentive to get a job and to work because we as a State will forgive them for each month that they are working for the month that they had received payments and eliminate the liens themselves. And once they hit the age of 60, if that was impossible for them to work their way through it and work the lien off, then it would be forgiven.

And so I ask for your support. I am certainly in favor of doing more than what we have done in past years as far as welfare and lien reform is concerned. I think this is a step in the right direction, and I would like to ask for support on both sides to make this a possibility of an alternate and fair way for our welfare lien recipients to have a chance to gain stature, and also for the older group to be forgiven.

Thank you very much, Mr. President.

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

Senator CORMAN. Mr. President, I rise to support this amendment offered by the gentleman from Cumberland, Senator Mowery. I think it is an outstanding way to try to encourage people to work their way out by the bootstraps and stand up and try to make things happen on their own. When we just plain forgive welfare liens, it seems to me we just make it then a welfare grant program. I think a lot of people are not looking for a handout, they are looking for a chance to get some help, and that is what it does. It gives them a chance to pay off that help by working their way back out of the program.

I would hope that we would all look at this very carefully and support the program.

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

Senator BELL. Mr. President, I rise in opposition to the amendment of the gentleman from Cumberland, Senator Mowery. I do not see why a workingman, like the steelworkers in the Mon Valley who see their industry flee and who worked all their lives so they could have a little house, should be treated differently than people of third generation welfare who do not own a house. Why should we discriminate against our working people? This is why I put in legislation similar to this abolishing welfare liens for many years.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from

Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I also oppose the amendment for basically the same reasons that were offered by the gentleman from Delaware, Senator Bell, and all the reasons that are surrounding that kind of argument, that kind of discrimination, and the like.

I am heartened, however, to hear the offerer of the amendment state here and now that he now supports the removal of a lien. It is a great, great stride, and I congratulate him for it. Sometimes it is hard just to let go of sexism and all those "isms" that we find wrong, but that is a great step, and I congratulate the Senator for his struggle. I think he just ought to let go, and I think we ought to defeat the amendment and move on to the bill.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, prior to the vote on the amendment, I ask for a temporary Capitol leave for Senator Lynch.

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

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, Senator Fisher has been called off the floor and I ask for a temporary Capitol leave for him.

The PRESIDENT. Senator Jubelirer asks for a temporary Capitol leave for Senator Fisher. The Chair hears no objection. That leave will be granted.

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

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

YEAS—19

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

NAYS—28

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

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?

LOEPER AMENDMENT A2232

Senator LOEPER, by unanimous consent, offered the following amendment No. A2232:

Amend Sec. 1 (Sec. 4), page 2, line 4, by striking out the bracket before "real"

Amend Sec. 1 (Sec. 4), page 2, line 4, by striking out the bracket after "and"

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

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

Senator LINCOLN. Mr. President, I would ask for a "no" vote.

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

Senator LOEPER. Mr. President, I would just indulge the Majority Leader, before he asks for a "no" vote, to indicate to him that this bill is defective and it is not drawn properly and that the technical amendment that I just offered tries to correct that deficiency.

House Bill No. 200 attempts to limit the elimination of liens to real property, and I think that when we talk about real property, it is defined as the primary residence of the individual. However, I believe that if we look on page 2, subsection (a), that the reference there is deleted as far as primary residence and we take out the real property, and simply what we do by deleting that is expand what the bill covers. In other words, it is not just the primary residence but it is also any additional real property that the recipient may also own that a lien has been placed upon. And I believe, Mr. President, this is simply corrective language to correct that defect.

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

Senator LINCOLN. Mr. President, I thank the gentleman for his in-depth concern for this issue, but I really believe that there is a difference of opinion. We feel very comfortable with the bill as written, and I would ask for a "no" vote on the amendment.

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

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

YEAS—22

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

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?
It 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—39

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

NAYS—8

Brightbill	Hart	Mowery	Shumaker
Corman	Helfrick	Punt	Wenger

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

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

BILL OVER IN ORDER

HB 213 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER

SB 263 (Pr. No. 1297) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; and providing for certain training programs.

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

Senator PORTERFIELD, by unanimous consent, offered the following amendment No. A2083:

Amend Title, page 1, line 23, by striking out "and" where it appears the second time

Amend Title, page 1, line 24, by removing the period after "programs" and inserting: ; and providing for temporary above-ground refrigerated low-pressure storage regulatory authority.

Amend Bill, page 6, line 2, by striking out all of said line and inserting:

Section 2. Section 2217 of the act, added December 18, 1992 (P.L.1638, No.180), is amended to read:

Section 2217. Above-Ground Refrigerated Low-Pressure Storage and Handling of Propane.—(a) The Department of Labor and Industry shall make, promulgate and enforce regulations setting forth minimum general standards for the design, installation and construction of above-ground refrigerated low-pressure storage facilities for propane. Said regulations issued under the authority of this act and the act of December 27, 1951 (P.L.1793, No.475), referred to as the Liquefied Petroleum Gas Act, shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(b) Any person desiring to install, construct or operate an above-ground refrigerated low-pressure storage facility for propane prior to the effective date of the regulations promulgated by the Department of Labor and Industry pursuant to subsection (a), setting forth minimum general standards for design, installation and construction of such a facility shall make application to the department for construction and/or operating approval. Upon receipt of an application hereunder, the department shall within a reasonable time review, or cause to be reviewed, the design, installation and construction of the facility and shall issue approval if it determines, within its discretion, that the facility meets or exceeds the standards set forth in the current edition of the National Fire Protection Association (NFPA) 58, Chapter 8, the American Petroleum Institute (API) Standard 2510 and 29 CFR 1910.119 (relating to process safety management). These standards shall have the same effect as regulations duly promulgated by the department until the effective date of new regulations that the department promulgates.

(c) The temporary above-ground refrigerated low-pressure storage regulatory authority in subsection (b) shall be the sole regulations applicable to any facility approved prior to the effective date of adoption of final rules and regulations by the Department of Labor and Industry and shall not be applicable to any facility applying for approval after the department promulgates final regulations pursuant to subsection (a).

Section 3. The amendment of section 2217 of the act shall be retroactive to December 22, 1992.

Section 4. The addition of 2217(b) of the act shall expire upon adoption of final regulations by the Department of Labor and Industry pursuant to section 2217(a).

Section 5. This act shall take effect as follows:

(1) The addition of sections 2123 and 2124 of the act shall take effect in 60 days.

(2) The amendment of section 2217 of the act and the remainder of this act shall take effect immediately.

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

Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A2338 to A2083:

Amend Amendments, page 1, line 35, by striking out "it" and inserting: the department

Amend Amendments, page 2, line 3, by inserting after "manag-

ement)": and if the department determines that there is a reasonable assurance that operation of the facility would be safe with regard to life and property in the vicinity, particularly in the event of an inability to retain control of the propane by means of keeping it in a liquid state of refrigeration

On the question, Will the Senate agree to the amendment to the amendment? It was agreed to.

And the question recurring, Will the Senate agree to the amendment, as amended? It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PORTERFIELD.

BILL OVER IN ORDER

SB 314 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

Considered the 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—47

Table with 4 columns of names: Afflerbach, Andrezeski, Baker, Belan, Bell, Bodack, Bortner, Brightbill, Corman, Dawida, Fattah, Fisher, Fumo, Greenleaf, Hart, Helfrick, Holl, Jones, Jubelirer, LaValle, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Mowery, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Reibman, Rhoades, Robbins, Scanlon, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams

NAYS—0

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

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

BILLS OVER IN ORDER

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

BILL OVER IN ORDER TEMPORARILY

SB 607 (Pr. No. 646) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 21, 1949 (P. L. 665, No. 155), entitled "First Class City Home Rule Act," further providing for fines, forfeitures and penalties.

Considered the third time and 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, we had this bill marked to go over and some of our Members would appreciate it, if the marking is going to be changed, if the gentleman from Lehigh, Senator Afflerbach, would at least give us a brief explanation so someone could talk about the bill.

Senator LINCOLN. Mr. President, I apologize for the change in the Calendar, but if you look at my Calendar for today you would find that there are more changes than originally marked, so I do apologize, but the gentleman from Philadelphia, Senator Fumo, will give a brief explanation, if you want him to.

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

Senator FUMO. Could we go over this temporarily, Mr. President, and then go on with the Calendar? I will have an explanation in a minute.

The PRESIDENT. Senate Bill No. 607 will go over in its order temporarily.

BILLS OVER IN ORDER

SB 689, HB 718, SB 822 and SB 827 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 860 (Pr. No. 1350) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for landlord ratepayers and tenants, for notice prior to termination of service, for penalties and for remedies; and imposing duties upon owners of rental property.

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—47

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

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.

HB 853 CALLED UP

HB 853 (Pr. No. 1980) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 853 (Pr. No. 1980) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for the sale of real and personal property; providing for fire officers and for appointments to the board of health; permitting interests in firefighters' pension funds to vest after 12 years under certain conditions; providing for the amount of the retirement allowance benefit vested; adding a definition; and making an editorial change.

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—47

Afflerbach	Fumo	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman

Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams
Fisher	Loeper	Rhoades	

NAYS—0

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

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

SB 607 CALLED UP

SB 607 (Pr. No. 646) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 607 (Pr. No. 646) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 21, 1949 (P. L. 665, No. 155), entitled "First Class City Home Rule Act," further providing for fines, forfeitures and penalties.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, this bill would allow for an increase in fines and penalties that are put on by local ordinance in a city of the first class. The caps on these things have not been raised since 1949.

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

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

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

HB 887, SB 952, SB 955, SB 970, SB 1014 and SB 1015

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

Considered the 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-47

Table listing names of Senators who voted 'Yeas' for SB 1051, including Afflerbach, Fumo, Lynch, Robbins, etc.

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 1052 (Pr. No. 1345) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of July 8, 1986 (P. L. 408, No. 89), entitled "Health Care Cost Containment Act," changing the title; further providing for legislative policy, for the Health Care Cost Containment Council and its powers and duties, for data submission and collection, for data dissemination and publication, for health care for the medically indigent, for mandated health benefits, for access to council data, for special studies and reports, for enforcement and penalties, and for contracts with vendors; eliminating provisions on appropriations; providing for reporting; further providing for

termination; and making editorial changes.

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-46

Table listing names of Senators who voted 'Yeas' for SB 1052, including Afflerbach, Fumo, Lynch, Rhoades, etc.

NAYS-1

Tilghman

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 1066 and SB 1132 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

HB 1261 (Pr. No. 1983) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 41 (Pr. No. 1696) -- The Senate proceeded to consideration of the bill, entitled:

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

for appropriations and for expiration of the Pennsylvania Conservation Corps and the act; making a repeal; and making editorial changes.

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

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

BILLS OVER IN ORDER

HB 85, HB 143 and SB 320 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL REREFERRED

HB 576 (Pr. No. 1179) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for notification of the department by registrants and operators of changes in addresses.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 647 (Pr. No. 1381) -- The Senate proceeded to consideration of the bill, entitled:

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

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 653 (Pr. No. 694) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL ON SECOND CONSIDERATION AMENDED

SB 678 (Pr. No. 1341) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the selection of registered architects, professional engineers, landscape architects, land surveyors and professional community planners to provide professional services to

Commonwealth agencies.

On the question,
Will the Senate agree to the bill on second consideration?
Senator STEWART offered the following amendment No. A2325:

Amend Title, page 1, line 2, by inserting after "surveyors": ,
geologists

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

BILLS OVER IN ORDER

HB 712, SB 740, SB 818, SB 838, HB 986 and SB 1059 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

SB 1091 (Pr. No. 1233) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring utility rates to be affordable.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1098 (Pr. No. 1382) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

Senator RHOADES. Mr. President, I just have a question on
the bill. I have reviewed it. Would the Majority Leader submit
to brief interrogation?

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

Senator LINCOLN. I will, Mr. President.

Senator RHOADES. Mr. President, does this include
authorization for an \$800 million bond to purchase the prisons?
That is not here, right?

Senator LINCOLN. No, it is not, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

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

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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 6**

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 263 (Pr. No. 1383) -- The Senate proceeded to con-
sideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175),
entitled "The Administrative Code of 1929," providing for the
establishment by the Department of Health of residential drug and
alcohol treatment programs for pregnant women and mothers and
their dependent children; providing for certain training programs; and

providing for temporary above-ground refrigerated low-pressure
storage regulatory authority.

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

On the question,
Shall the bill pass finally?

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

Senator BRIGHTBILL. Mr. President, I will be brief be-
cause we have been over this issue time and time again and
the provisions of this bill. There are basically two separate
amendments to the Administrative Code, and one deals with
aboveground refrigerated low-pressure storage and handling of
propane. I would ask for a negative vote. I think we passed
legislation on this about a year ago. There is currently litigation
going on, and while an amendment that I offered to an
amendment of the gentleman from Westmoreland, Senator
Porterfield, does something to help protect the residents of the
area, I think the residents of Shafferstown would be far better
protected if we did not do anything at all with this law. So I
would ask for a negative vote.

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

Senator LINCOLN. Mr. President, I would ask for a posi-
tive vote.

And the question recurring,
Shall the bill pass finally?

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

YEAS—36

Afflerbach	Fisher	Lincoln	Reibman
Andrezeski	Fumo	Lynch	Rhoades
Baker	Greenleaf	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bodack	Helfrick	Mowery	Shaffer
Bortner	Jones	Musto	Stapleton
Corman	LaValle	O'Pake	Stewart
Dawida	Lemmond	Pecora	Stout
Fattah	Lewis	Porterfield	Williams

NAYS—11

Bell	Jubelirer	Punt	Tilghman
Brightbill	Loeper	Robbins	Wenger
Holl	Peterson	Shumaker	

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.

MOTION TO RECONSIDER SB 1052

The PRESIDENT. The Chair recognizes the gentleman from

Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, on the Calendar, on page 8, Senate Bill No. 1052, we passed this bill very quickly. The gentleman from Montgomery, Senator Greenleaf, had an amendment that we inadvertently failed to give him the opportunity to offer. I move that we reconsider the vote by which Senate Bill No. 1052 passed the Senate finally.

The PRESIDENT. Senator Lincoln moves that the Senate do reconsider the vote by which Senate Bill No. 1052 finally passed the Senate.

Senator LINCOLN. Mr. President, will you recognize me after the amendment is in place, please? I would ask for a negative vote whenever the amendment gets to that point.

MOTION WITHDRAWN

Senator LINCOLN. Mr. President, I withdraw my motion to reconsider the bill.

The PRESIDENT. On the motion to reconsider Senate Bill No. 1052 -- in fact, Senate Bill No. 1052 has passed finally, and the record will reflect that.

RECESS

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

Senator LINCOLN. Mr. President, the only bill that we have not dealt with on the Calendar is House Bill No. 3. We are waiting for a bill to come to the House. The ultimate arrival of that bill will be the determining factor as to whether we deal with House Bill No. 3 or not today. And, Mr. President, at this point in time I am going to request a recess of the Senate.

Mr. President, prior to the recess, we have had permission given by the floor leaders for a meeting of the Committee on Appropriations to be called off the floor. Could that be called?

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet to consider Senate Bill No. 474.

The PRESIDENT. The Chair will call for a recess of the Senate in a moment to have a meeting of the Committee on Appropriations, or simply be at ease.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, during the recess, the meeting of the Committee on Appropriations will be held and those bills can be reported back whenever we come back into Session.

Also, we have ordered food, which will be here at approximately 6:15 in the Senate dining room. I have no idea whether at that time we will have something from the House. They have been debating House Bill No. 815 over there for quite a few hours, but we will be here until they either pass or reject the conference committee report on House Bill No. 815.

The Members should know that we will probably be done

eating and hopefully be ready to go by quarter to 7 or 7 o'clock. I apologize for being so vague, but I do not know what else to do. Food has been ordered for staff and Members.

The PRESIDENT. The Chair thanks the gentleman for the announcement.

For clarification, so that everybody understands, there will be a meeting of the Committee on Appropriations immediately upon the declaration of the recess, and we will stand by awaiting completion of certain tasks by the House of Representatives. If we are not in Session by 6 o'clock or 6:15, there will be dining chez Nick.

For those purposes, the Senate will stand in recess.

AFTER RECESS

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

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House adopted Report of Committee of Conference on **HB 815**, which was placed on the Calendar.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 8

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 815 (Pr. No. 1924) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1993, to June 30, 1994, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1993, to June 30, 1994, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1993; and to provide for the additional appropriation of State and Federal funds to the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

Senator LINCOLN. Mr. President, I move that the Senate

adopt the Report of the Committee of Conference on House Bill No. 815.

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

POINT OF PERSONAL PRIVILEGE

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

Senator TILGHMAN. Mr. President, I heard this side of the aisle say, "roll the bill," so I will be short. I would just like to talk about a couple of figures, but before I do that, if I may, as a point of personal privilege, I would like to say thank you to the gentleman from Philadelphia, Senator Lynch, for being here. I was thrilled to see him walk in the other day with a cane, and I joined in applauding him. It is nice to have you here, Francis.

Mr. President, we all wish him very, very well in his recovery.

(Applause.)

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

Senator TILGHMAN. I would, Mr. President, if I might, like to talk a little bit about the position of the revenues today in the Commonwealth of Pennsylvania. This morning the revenue figures were released for this past month. There will be no more revenue deposits in this month because the Monday deposit will go into June. As of this morning, the surplus in the State has shrunk down to \$7.1 million. There is a very, very slight surplus, and I am happy there is a surplus, but it is not large. I would like for just a minute to talk about one or two things in the budget and point out to my colleagues that it is possible, of course, to do anything with figures, and I know that. But I think there are also some figures that are set in cement, and one of the figures is the cost in this conference committee report, which is \$14,999,000,000. Another thing that is set in cement is the total spending cost minus supplements that was in this year's budget that we are in today, and that was \$14,049,000,000, and I am leaving off the odd thousands. There is, therefore, an increase in next year's budget over this year's budget without the supplementals of \$950 million. The increased spending in next year's budget is very close to a billion dollars, and it may reach it with some of the bills that have been passed in the last few days in the House and Senate. That is a 6.8-percent increase. Next year's budget is a 6.8-percent increase over this year's budget, and I think, personally, my personal feeling is that is too large an increase when you consider the economic times we are in and the fact that we have the tax situation in Pennsylvania that we do have with various other tax bills here.

I would like for a minute to have you think of this \$950 million spending increase and wonder where it is coming from. There are three or four places where it is coming from. Some of them are actual dollars that will come in. Others are projected revenue sources that may not materialize, in which

case there will have to be a cut in spending for next year. Some of the programs that I am particularly concerned about that are underfunded, and I am just going to go through them very quickly without a lot of figures, one of them is the medical assistance outpatient line item. The other is special education that many of us know about, and I particularly think it is underfunded. The approved private schools are underfunded to the extent that they will be an additional cost to our school districts at home because the formula as to the amount of money put into this program by the school districts has been increased. The pupil transportation is underfunded. Teacher retirements are underfunded. We took a bill out of the Committee on Appropriations yesterday which aggravates that situation. The Department of Corrections is underfunded. Nutrient management is underfunded. State Park maintenance is badly underfunded, very badly underfunded. And we have the additional prospect of a cost of a \$90 million total bailout of SWIF - some of it for extra insurance, some of it for the Knoblauch and Marian Bank takeovers.

Then there are various things that are done in the budget which seem, indeed, to raise some cash but they do not, in fact, raise any cash, and you can call them whatever you want. It is really unsound accounting. You can call it fiscal gimmicks, whatever words you want to put on it. And I am just going to go through a few of them quickly, and that is the sale of the nursing home loans, underfunding teachers' retirement. This is the same thing that we did before, but in the teachers' retirement, underfunding occurred before the legislation that we voted on yesterday or today. There was a transfer from the State Pension Fund, liquor enforcement officers. That was the \$10 million that we voted on, the SWIF transfer, \$7 million of the SWIF transfer. And interest payment revisions. You can do anything you want with interest payment revisions as you shift them around, but sooner or later you have to pay the actual interest that is there.

For this and many other reasons, I am going to vote in the negative on the bill. I did not sign the conference committee report, but I really am concerned--and I am about to sit down, so do not get too anxious--about this \$950 million increase in spending in next year's budget over this year's budget, and that is way above anything that can be justified under any betterment of the economy, and just keep this close-to-a-billion-dollar overspending of 6.8 percent in your mind as you vote on this.

Thank you, Mr. President.

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

Senator JUBELIRER. Mr. President, I suppose as we approach final passage of House Bill No. 815 it is kind of a celebration of the Indy 500 weekend, how this budget was raced around the legislative track, or maybe it was just run before the tires fell off, but no matter, no budget can be termed "awful" or "terrible" when it does not raise taxes for Pennsylvanians. But there is a real sense of disappointment that this budget contains, as the gentleman from Montgomery, Senator Tilghman, has indicated, nearly a billion dollars in new spend-

ing, yet there was no way found to provide any sort of tax relief. In a year when we should renounce "business as usual," this budget too much represents State government as people know it and dislike it.

Frankly, maybe it is a budget that Bill Clinton would very much like - moderate in talk but liberal in spending; spending way ahead of the cost of living but little to show in the way of cost-cutting; a few modest advances in economic development programs but not the tax cuts for jobs needed to boost the economy; shifts of responsibility for some welfare spending but not substantial overhaul of a system that has grown costly and irresponsible beyond public tolerance. Rather than concentrating on cutting bureaucracy and programs, the creativity seems all to be spent on paring items such as retirement system contributions, the kind of financial corner-cutting that always bears a big price tag later. And I assure you, Mr. President, we will face that in later years. Remember when SWII¹ was the healthiest entity in town? Plunder-budgeting sure cured that, so we are naturally alarmed when the budgeteers eye up another victim, particularly when it is a retirement fund.

Every budget contains some masking tape and baling wire, but this budget, in mirroring the Governor's plan so closely, again rests on too much of the beg-borrow-and-steal approach to revenue. This budget will no doubt pull through, but, once again, the types of revenue games are being played that were played for several years before the bottom fell out in 1991. This time around the bill will come due after Governor Casey has pursued, perhaps, his next career.

It is truly a mystery why there was no effort to provide tax relief. I have been on many panels where leaders of the Democratic side of the aisle have spoken of the need to make this State competitive and of their commitment to the task. After our tax cut proposals were shot down several weeks ago, one Democratic leader told his hometown paper, and I quote, "We will probably be able to do one or maybe two tax changes," yet, given your chance to craft the budget, there are none. We do not believe, Pennsylvanians do not believe, if you will, that the price of tax cuts in a \$15 billion budget must be a trade-off tax hike. After so many months of having the Governor preach about how tight things are, about how we must exercise restraint, I think Pennsylvanians will be surprised to find the amount of spending contained in here, and while it is true that there are places where we must invest money, such as in education equity, that is not justification for chalking up all the new spending as "must do."

There is something to be said for a budget that is done early. There is something to be said for a budget that is done with a minimum of deadlock, but there is a lot more to be said for a budget that is both timely and meets the demands of taxpayers and the needs of the economy. It is this last, most important test this budget fails. The speed with which it has moved has sacrificed the opportunity for give-and-take that would have clearly improved it, made it more a budget Pennsylvanians could support, and made it consistent with the politics of restraint and reason that the people are insisting on now and will continue to insist on in the State capitals across

this nation, including here in Harrisburg, as well as Washington.

Thank you, Mr. President, for the opportunity to make these remarks on the most important piece of legislation that we are required to act on each and every year.

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

Senator MOWERY. Mr. President, not to delay the passage of the budget but only to make a comment as far as a concern. The business community of Pennsylvania I think has let us all know the importance of having some tax reduction. You know, when we in government believe that we can spend our way into creating jobs and making things happen, I think it is the wrong direction. Government does not create jobs, business creates jobs. I am very disappointed that with the spending at the rate of close to a billion dollars that we could not have reduced that spending and given some relief to our business community. We know that we have businesses leaving Pennsylvania. We know that we have businesses closing up their doors because of the inability to pay the high tax rate that was put upon them in 1991. I just hope that somewhere along the line we can begin to take a look at the important issues, because so much I hear from the other side is jobs, jobs, jobs, we need more jobs in Pennsylvania. We have shown in this budget that it is only verbal discussion. There is no evidence that this is really a concern of this particular budget. Since we have had no opportunity on this side to have any input into the budget, I can only say, shame on you, the other side, for not taking into consideration the most important thing facing Pennsylvania right now, and that is business-created jobs.

Thank you very much, Mr. President.

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

Senator PETERSON. Mr. President, I will be very brief. I know we are in a hurry to move on and to get on home, but all of those who are here tonight know that I have never been a fan of the budget process in the Commonwealth of Pennsylvania. I have observed other States and how they pass budgets and there are a lot of better ways than how we do it. Historically, I always complained about the big eight, which included four of my own leaders. Well, this year things have improved. We are down to the big four. We had four people who negotiated this budget. That is not right. That is not the way it ought to be. I believe this year's budget probably had the least debate, the least discussion, the least input of any I have seen in the many years I have been here in both the House and the Senate.

I am not going to critique the budget, but I will agree with my colleague, the gentleman from Cumberland, Senator Mowery, who stated that the number one issue facing Pennsylvania is jobs. This year's budget treats the economic development programs kinder than last year's budget, but everyone I talk to in the job creation business says the most important thing is to be competitive with taxes, and we are not. The next thing in Pennsylvania is to be competitive--and probably even more important than with taxes--with workmen's compensation

costs, and we are not competitive, and it again has been put on the back burner.

And the one we have not heard a lot of discussion about is the runaway regulatory community. There is nothing in this budget, there is no language, there are no bills to curb DER and other regulatory agencies that are choking business and jobs in this Commonwealth every day. In fact, we passed a bill, or are in the process of passing a bill—it came out of the Committee on Appropriations yesterday—that gives the Department of Revenue the right to no longer pay interest on money they owe companies and people in Pennsylvania, but yet they can charge it when they are owed it. And it also gives the department the discretion of when they want to pay refunds. You know and I know that that is constituent workload number one going right up. I can remember when I used to spend a lot of time helping people get paid money that the Department of Revenue owed them until we had good language and good practices that made them do it, made them pay interest, and that has all been removed.

I guess the most disappointing part of this week has been, I understand who the Majority is. I have no doubt who the Majority is. No one has to tell me, "I am in the Majority and you better understand that." But I would like to say to the Majority Leader and others that the Majority is to run the process, and the more open the process, the more you allow debate, the more you allow discussion, the better the product will be. There has been a lot of effort this week to stop debate, to stop discussion, to jam it through, to get it done expeditiously. That is not the way we ought to pass budgets. It is the most important bill we pass each and every year and we should debate it, and we should discuss it, and we should debate it, and we should reformulate it until we get it right. That did not happen this year. I hope next year that whoever is running this Senate looks at the process of how we create budgets, because the power base in this State is not very broad, and the real input is not from the 50 Members, like it ought to be, and from those who work on the issues, like it ought to be. There are a lot of models out there that are far better than ours. It would take some power away from some people, but that is the way it ought to be. It ought to be spread as broadly and as fairly across this Commonwealth as it can be so those who understand the issues help make the final decisions and formulate the final budgets. And I will be one crying for that as long as I am here until we do it right.

Thank you.

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

Senator FISHER. Mr. President, I rise in opposition to House Bill No. 815, and as I look back, this is the 19th budget that I have had an opportunity to vote on as a Member of this General Assembly. I probably voted for about 9 and maybe voted against 10 during the course of those 19 years. But when I look at this budget and I look at the process by which this budget was put together—I am not going to speak so much about the absence of involvement, I am not going to speak so much about who had a role and who did not have a role—what

I see is an increasing frustration, at least on my part and I am sure on the part of many others, that no matter what we do and no matter what kind of process we use and no matter whether we do it in May or whether we do it in June or whether we do it in July or whether we do it in August, like we did 2 years ago, it seems to me that we are unable to come to grips with spending across this Commonwealth in a fashion in which we are able to do the things which I believe the taxpayers of Pennsylvania want us to do. When I look at this budget and I see the figures and I also try to match that against the press releases and the rhetoric about this being a relatively austere budget, when I match that up against \$950 million in new spending, it certainly does not match against the rhetoric.

But when you look at the real basic, fundamental problems of shaping a budget in Pennsylvania, you have to look at the two big areas where approximately 75 percent of our spending goes, in the area of education and in the area of welfare. You can add another 10 percent on there for Corrections. You are just about 80 to 85 percent, and that leaves 15 percent of our budget for all the rest of the various departments.

Mr. President, I am frustrated, just as many other people are, that we cannot provide tax cuts for the people of Pennsylvania, particularly tax cuts that would bring about some economic growth. But I am also perhaps more frustrated that we cannot somehow come to grips with those two largest areas of spending. We talked earlier, we tried to have a debate earlier on the issue of welfare reform which goes beyond the need not only to reform the welfare system but also is unquestionably tied in to the amount of money that we spend on a welfare program. But, likewise, I am particularly concerned when I look at the education side of the budget. It did not take me long to look at the printout that the gentleman from Montgomery, Senator Tilghman, distributed for the school districts in my senatorial district. One district received an increase in funding. I suspect that other Members who represent suburban districts around the State have a similar number of districts who have received any additional money. When we look at the pension bill that was passed yesterday and we recognize that the amount of money that the school districts will receive on reimbursement for Social Security, we also recognize that in many districts they will be receiving less next year than they received this year.

Mr. President, I think, in summation to my comments, the inability to deal with true welfare reform, the inability to make any significant cuts in this budget, the inability to bring any tax cuts to the people of Pennsylvania are the reasons why I will be voting "no." But, Mr. President, I just want to sound, I think, maybe a precautionary word and one that I hope everybody will heed. If we do not somehow come to grips with the cost of our education system in Pennsylvania, as well as come to grips with the cost of our welfare system in Pennsylvania, we are never going to be able to get to a budget that has less costs, that has less taxes, and has less pain for the people of Pennsylvania. I do not know how we are going to do it. I have seen it done 19 times, but it is my hope that perhaps the 20th or the 21st will bring about a different system and

perhaps a different will and perhaps a different alignment, whether it be politically, demographically, or what, that we are going to be able to reverse the trend that I continue to see going in the wrong direction for the taxpayers of Pennsylvania.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, it is daylight out and Memorial Day has not yet arrived, and we are going to vote on a spending plan for Pennsylvania. It has been a long time since that has happened, Mr. President. We have had to deal with gridlock year in and year out. This year, with Democrats in control of the House and the Senate and the Executive Mansion, we will pass a budget early, a budget that is balanced, a budget that meets the needs of the people of Pennsylvania, and a budget that contains no tax increases. And what do we hear from the other side? My God, my God, my God, we did not cut taxes. Mr. President, that is a shame that we did not cut taxes. And then we hear that this budget costs \$950 million more than last year's budget. Is that not horrible? Mr. President, I was here when Republicans controlled the House, the Senate, and the Executive Mansion, and not during one of those years was a budget less than the year before.

Mr. President, let us take a look at the increase of \$950 million. Where did it go? Five hundred million dollars in Medical Assistance, most of which is mandated by the Federal government for us to pay. Boy, that was really an outrageous expenditure. One hundred million dollars for new prisons. We even cut that back as tight as we could. New prisons. Is there anybody here who wants to open up the gates? Anybody on the other side of the aisle? We cannot even get a bill through here—we could not before; we may now—that talks about earned time when managing our prison population. Of course, the other side of the aisle is tough on crime. Well, it costs a lot of money to be tough on crime.

Then we put \$130 million into school equity. Was that not needed? Is it not fair that we take care of those school districts in Pennsylvania that are the poorest and do not have money to educate their kids? Or should we all just worry about the kids in Radnor and the 2-percent districts and the heck with the poor? Where is there fairness in that kind of a conclusion? But even with that, Mr. President, I am willing to bet you that at least some of those people on that side of the aisle are going to vote for House Bill No. 438 for the equity funding. They like to spend it. They do not like to raise it to pay for it, but they are going to like to spend it.

Seventy million dollars more in Children and Youth, a mandated program that we put together, money that goes into every county to take care of children and youth problems. We did that ourselves. It is money we mandated. That is where that went. And then, yes, we did spend some money on education, \$100 million on the State-aided institutions. That was a program which that side of the aisle fought as hard as this side of the aisle to fund. Add it up, \$900 million. Fifty million dollars was spent for the general increase in the cost of government because the cost of living went up 3 1/2 percent.

Is that not outrageous? Give me a break.

Mr. President, this budget takes care of higher education with tuition challenge grants, it takes care of the mandates on Medical Assistance, \$40 million in housing, Healthy Beginnings for 35,000 children, an \$8 million increase for the money for State Parks, and also through this process we were able to negotiate hospital agreements so that we could have savings for Pennsylvania taxpayers, and yet they still complain.

Mr. President, I do not know what to do anymore. Now the big complaint is business tax reductions, we have to have business tax reductions. Mr. President, we would be more than happy to do business tax reductions if the other side of the aisle would cooperate and straighten out the language mistake that was made in the last tax increase, but, no, that side of the aisle wants to protect big electric utilities and will not let them pay their fair share. Well, that costs \$105 million. That is a business tax cut. Big electric utilities, that is who they want to protect, and that is why we have no money to lower the corporate net income tax. That is why we have no money to restore the net operating loss carryforward deduction.

Mr. President, I do not know what else to do. Now there are complaints that we did not solve the regulatory processes that affect the people of Pennsylvania in this budget. To those people who complain about that, I would ask them to check the Constitution. You do not do substantive language in a budget bill. But also to those people I say, take heed, take heed. We have not yet adjourned for summer recess. We have completed a budget a month early, and I know that when Republicans were in control whenever we completed the budget it was late June or early July, August or September, maybe, and then we went home. This year we will be back in the month of June to solve a lot of the other problems, workmen's comp included.

So, Mr. President, this budget does not solve everybody's problems everywhere. No budget ever does. Even with the conservative mindset of the other side of the aisle, I am willing to bet you if we had \$300 million more in here, they would find a way to spend it. Perhaps we would spend it on 2-percent wealthy school districts. Perhaps we would spend it on district justices, all the pet programs.

Mr. President, as to business, this budget contains \$150 million for economic development, and as for the creation of jobs, this budget contains over \$65 million for job training for that workforce so that they can get new jobs. The only complaint here, Mr. President, is that the other side of the aisle, being in the Minority, now regrets our conversations of last week when we asked them to cooperate with us and do a budget and cooperate with us so that they could participate in the spending plan. They decided not to do that because it was too early. Mr. President, there is never a better day in Pennsylvania than the day we pass a budget early.

In closing, I want to thank the Committee on Appropriations' staffs for the excellent job they have done. I want to thank everyone who worked hard to get this done, and, in particular, I want to thank the gentleman from Philadelphia, Senator Frank Lynch, who went above and beyond the call of

duty to be here today because his vote was needed, because there would not be one from the other side of the aisle.

Mr. President, I thank you all. I ask for an affirmative vote, and I know that there will be at least 25. Thank God Democrats are in control.

Thank you.

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

Senator LINCOLN. Mr. President, I have very brief remarks.

The gentleman from Blair, Senator Jubelirer, my good friend from Altoona, mentioned President Clinton and this budget. I can say to you that Governor Casey is pleased with this budget. I have not talked to President Clinton, although I was supposed to be in Philadelphia with him this evening, but I am certain that he would not be unhappy with a balanced budget that has no new taxes, as we are over here and as most people in Pennsylvania will be.

We are going to pass a budget shortly that is one of the best efforts that I have ever seen put forth by the General Assembly. We have a \$15 billion General Fund budget that increases spending by only 5 percent over last year, and it calls for no increases in taxes. It is a budget, Mr. President, which is being passed a full month before the close of the current fiscal year. In the more than 20 years that I have served in the legislature, budget time has often meant crisis time. Deadlines were sometimes not met, jeopardizing the ability of the State to pay its bills and continue services. There was no crisis in 1993. We are passing a budget well within the June 30 deadline. But I want to emphasize the real virtue of this year's budget is not simply its timely passage but that it represents an excellent attempt to spend funds where they are most justifiably needed.

Mr. President, there are many good features in this budget, but I do not really care to list them because the gentleman from Philadelphia, Senator Fumo, has done an excellent job at that. It is not a perfect budget. I have never seen one that was, but it should rank as one of the better budgets enacted over the years for this Commonwealth. It attempts to right some longstanding inequities in education, and it does the most with a very limited pot of revenue, and it will not add to the financial burdens of our taxpayers.

I commend everyone, and I want to say that I commend my colleagues on the other side of the aisle because during this process they have shown a great deal of patience as we have been stumbling at times. This is a new process for me being my first budget as a Majority Leader, and I truly do appreciate the fact at times, even when the acrimony got so thick, that there was patience shown by everybody in both Caucuses. I want to thank my Caucus particularly. The remarks made about the gentleman from Philadelphia, Senator Lynch, are just hard to put into words, the respect for him. But I want to say that we have had other Members in our Caucus who have had to endure some physical problems throughout this whole week particularly, and I want to thank those Members for setting aside their personal discomforts, whatever may have been wrong with them. I want to thank the gentleman from

Philadelphia, Senator Fumo, for his ability to persevere the last 72 hours with some problems. I say that tonight, in 21 years of being in the legislature, I do not know that I have ever experienced anything that is so fulfilling and gives me such a good feeling about it. The only thing that I can say is, I cannot understand why there would be anyone voting against this budget, and the only thing is, I hope the day will come when a budget of this type that is so good, it covers the needs, there are no tax increases, it is a reasonable budget, I hope the day will come when people who serve in this body can vote for this bill regardless of whether it is a Democratic effort or a Republican effort, and this time it just happens to be our turn up at bat. We made a swing that is a grand slam home run, and I would think instead of throwing stones there ought to be some popcorn and peanuts and take-me-out-to-the-ballpark type of atmosphere. Everybody in this Chamber truly should be voting for this budget because it is a good budget, and I would ask for a "yes" vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

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

NAYS—22

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

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

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

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I ask for a temporary Capitol leave for Senator Scanlon, who was called to his office. I also request a temporary Capitol leave for Senator Lynch.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Scanlon and Senator Lynch. The Chair hears no objection. Those leaves will be granted.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House adopted Report of Committee of Conference on **HB 438**, which was placed on the Calendar.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 4**

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

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

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," requiring a report of certain racial and ethnic groupings; authorizing the board of school directors of certain school districts to levy different rates of taxation for school purposes on land and on buildings; providing for emergency certificates in certain circumstances; further providing for certain inmates of children's institutions, for transportation and lodging of certain children and for approved private schools and chartered schools; providing for instructional support, for reimbursements for community colleges, for payments to intermediate units and for special education payments to school districts, including special education payment adjustments; creating a fund for audit resolutions for approved private schools; further providing for school district reimbursement definitions, for instruction payments, for payment limitations, for the economic supplement, for assistance to small school districts, for temporary special aid, for the low-expenditure, low-wealth supplement and for the low-expenditure poverty supplement; providing for education subsidy base, for an equity supplement, for foundation guarantee payments, for a minimum effort base, for a growth supplement, for a limited revenue sources supplement, for discretionary funds to assist school districts experiencing extreme financial difficulty and for resource data in the foundation-based equity formula; further providing for payments generally and for forfeitures for certain employment practices; and providing for a graduate opportunity fund.

Senator LINCOLN. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 438.

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

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

Senator LINCOLN. Mr. President, this evening we are considering a conference committee report on House Bill No. 438, which begins to redress the inequities in school funding for this Commonwealth. Based upon the Governor's initial budget proposal and refinements developed by the General Assembly, we have before us a school funding proposal that directs \$130 million of the new money to poor, high-taxing, low-spending school districts, those most in need of our help. This proposal

is not partisan. Poor children are neither Democrats nor Republicans, and the districts most helped by this bill are in urban and rural areas of our Commonwealth represented by Democratic and Republican Members of the General Assembly. The bill assures that every district will receive at least as much as it did last year. Those which need our help the most will get shares of the \$130 million equity settlement.

In addition, the bill provides increased funding for special education programs for next year and finally pays our special education bills for this year. The bill also includes an improved system of funding for our community colleges.

Mr. President, I look forward to the support of my colleagues on both sides of the aisle.

Thank you, Mr. President.

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

Senator FATTAH. Mr. President, on the passage of the conference committee report on House Bill No. 438, I want to take a minute to offer appropriate thank yous to the staffs of the Committee on Education and the Committee on Appropriations for their hard work on this, and also our colleagues in the House, Representative Cowell and Representative Evans, and others who participated in this effort dealing with the approved private schools and special ed and the equity issue. I would also like to thank the gentleman from Schuylkill, Senator Rhoades, and the Minority staff for their cooperation on these matters.

This is a very important piece of legislation. However, the hour is late and my comments, therefore, shall conclude at this moment. But I do want to offer those thank yous.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentlewoman will be so recorded.

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

YEAS—36

Afferbach	Hart	Madigan	Rhoades
Andrezeski	Helfrick	Mellow	Robbins
Belan	Jones	Mowery	Scanlon
Bodack	Jubelirer	Musto	Schwartz
Bortner	LaValle	O'Pake	Shumaker
Brightbill	Lemmond	Pecora	Stapleton
Dawida	Lewis	Peterson	Stewart
Fattah	Lincoln	Porterfield	Stout
Fumo	Lynch	Reibman	Williams

NAYS—11

Baker	Fisher	Loeper	Tilghman
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Bell Corman	Greenleaf Holl	Punt Shaffer	Wenger
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

BILLS IN PLACE

Senators MELLOW and LINCOLN presented to the Chair several bills.

PERMISSION TO ADDRESS SENATE

Senator LINCOLN asked and obtained unanimous consent to address the Senate.

Senator LINCOLN. Mr. President, as a special order of business—I do not know what else to call it--on behalf of the gentleman from Lackawanna, Senator Mellow, who is prime sponsor of one bill and I am prime sponsor of the other one, and almost the complete Democratic Caucus, we are introducing two bills that we hope to deal with after June 7.

One bill would correct the language for the utility tax, and that \$105 million would be used dollar for dollar to reduce corporate net income taxes. The other bill is one that would correct the language in the suburban water company problem, and that money, which is approximately \$27 million, will be used to deal with the loss carryforward for corporate taxes. That will begin in January, but the full \$27 million will be used for the fiscal year, and the reason we are not starting that program until January is it is our understanding that the Revenue Department would need time to establish the mechanism.

So, we are going to be offering people the opportunity, sometime during the week of June 7, to vote to reduce corporate net income taxes by \$105 million and to have a loss carryforward program in place in January for another \$25 million to \$27 million, which would be an ongoing program. If any of the Republican Members of the Senate care to join in sponsorship, the bills will be at the front desk.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

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 BOARD OF TRUSTEES OF SCOTLAND SCHOOL FOR VETERANS' CHILDREN

May 28, 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, Bob P. King, 235 Myrtle Avenue, Waynesboro 17268, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified, vice Eugene C. Eichelberger, Saint Thomas, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

May 28, 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 A. Gleason, Jr., 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, vice Frank A. Ursomarso, whose term expired.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

May 28, 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 N. Hall, Jr., 850 Schuylkill Avenue, Reading 19601, Berks County, Eleventh Senatorial District, for appointment as District Justice, in and for the County of Berks, Magisterial District 23-1-05, to serve until the first Monday of January 1994, vice O. Andrew Farrara, mandatory retirement.

ROBERT P. CASEY
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess adjournment.

BILLS SIGNED

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

HB 200 and HB 343.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Woodrow Lindenmoyer and to Susan E. Rutt by Senator Afflerbach.

Congratulations of the Senate were extended to the Honorable Frank J. Gigliotti by Senator Dawida.

Congratulations of the Senate were extended to Reverend Dr. George T. Sims, Jr. by Senator Fattah.

Congratulations of the Senate were extended to Dolores R. Somma and to the Rotary Club of Castle Shannon by Senator Fisher.

Congratulations of the Senate were extended to Marion Maola, Natalie Molitar, Carolyn Katherine, Henrietta Knecht and to Edie Spitzer by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. William John Vial by Senator Helfrick.

Congratulations of the Senate were extended to Edward J. Fitzsimmons and to John R. Bryant by Senator Holl.

Congratulations of the Senate were extended to Patricia A. Donovan by Senators Holl and Scanlon.

Congratulations of the Senate were extended to Mr. and Mrs. Horace Reese, Sr., by Senator Jones.

Congratulations of the Senate were extended to Dr. Raquel Otero de Yiengst and to Marilyn Hertzog by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Nemecek by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. William T. Diebert and to Mayor and Mrs. Wilbur Bauchspies by Senator Rhoades.

Congratulations of the Senate were extended to Joe Maggio by Senator Robbins.

Congratulations of the Senate were extended to Dr. James Earl Bates and to the Alvin A. Swenson Skills Center of Philadelphia by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Zigmund Klimkowicz, Sr., Mr. and Mrs. Dante Pesci, Mr. and Mrs. Richard J. Fuhrman, Mr. and Mrs. Harry G. Waltenbaugh, Sr., Mr. and Mrs. Vernon B. McCracken, Mr. and Mrs. Guido Rossi and to Mr. and Mrs. Reed Moore by Senator Stapleton.

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 Warren P. Miller by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Margaret Lee Taylor by Senator Jones.

RECESS

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

Senator AFFLERBACH. Mr. President, first, in the form of an announcement for the Senators and staff who are still in the Capitol, there is nourishment available both here in the Senate dining room and in the Majority Leader's office, and anyone, as I say, who is here and would like to partake of that is welcome to do so.

I think at this time we are expecting several documents to come over from the House of Representatives. I cannot begin to tell you how soon that is going to be, and, therefore, at the present time I think it best to recess to the call of the Chair.

The PRESIDENT. Senator Afflerbach moves that the Senate do recess to the call of the Chair.

On the question,

Will the Senate agree to the motion?

It was agreed to.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 754, 755, 757, 768, 769, 770, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 786, 787, 788, 789, 790, 791 and 792, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 756, 758, 760, 761, 762, 763, 765, 767, 771, 772, 773, 784, 785 and 793, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

RULES SUSPENDED

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

Senator LINCOLN. Mr. President, I move that we suspend Rule XIV, subparagraph 5.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, moves to suspend Rule XIV, subparagraph 5.

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—47

Afflerbach	Fumo	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton

Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman
Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams
Fisher	Loeper	Rhoades	

NAYS—0

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

The PRESIDENT. Rule XIV, subparagraph 5, is suspended.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 9**

**NONPREFERRED APPROPRIATION BILLS
ON CONCURRENCE IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 756 (Pr. No. 1352) -- The Senate proceeded to consideration of the bill, entitled:

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.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 756.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 758 (Pr. No. 1353) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 758.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 760 (Pr. No. 1355) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 760.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

Afflerbach	Fumo	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton

Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman
Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams
Fisher	Loeper	Rhoades	

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 761 (Pr. No. 1356) — The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 761.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 762 (Pr. No. 1357) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 762.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 763 (Pr. No. 1358) — The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 763.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 765 (Pr. No. 1360) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the University of the Arts, Philadelphia.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 765.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 767 (Pr. No. 1362) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 767.

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

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

YEAS—47

Afflerbach	Fumo	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Scanlon

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 771 (Pr. No. 1363) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 771.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 772 (Pr. No. 1364) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 772.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 773 (Pr. No. 1365) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 773.

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

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

YEAS—47

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

Fattah	Lincoln	Reibman	Williams
Fisher	Loeper	Rhoades	

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 784 (Pr. No. 1366) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 784.

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

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

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 785 (Pr. No. 1367) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 785.

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

The yeas and nays were taken agreeably to the provisions

of the Constitution and were as follows, viz:

YEAS—47

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 793 (Pr. No. 1368) — The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 793.

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

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

YEAS—47

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

NAYS—0

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

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

BILLS SIGNED

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

SB 754, 755, 756, 757, 758, 760, 761, 762, 763, 765, 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 438 and 815.

REPORTS FROM COMMITTEE

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

SB 625 (Pr. No. 1072) (Rereported)

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

SB 974 (Pr. No. 1398) (Amended) (Rereported)

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.

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Monday, June 7, 1993, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:40 p.m., Eastern Daylight Saving Time.