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177TH OF THE GENERAL ASSEMBLY

No. 40

SENATE

MONDAY, June 21, 1993

The Senate met at 2:45 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Monsignor JAMES HOWARD, Rector of the Cathedral of Saints Peter & Paul, Philadelphia, offered the following prayer:

Almighty, eternal God, in Your hands are our destinies and the rights of peoples. Kindly regard those who exercise Your authority over us and guide these, our elected leaders, so that in this State Your gift of human life might be protected and respected, justice and order might be secure under the law, and those who believe in You might be able to worship You freely. You have brought us together in mutual friendship and to express our respect for our brother, Frank Lynch, Your servant and our dedicated Senator of the peoples.

O God, Father of everyone, from You we have received whatever we have and are. We acknowledge the benefits of Your immense goodness. We desire to love and serve You with all our heart and strength. You are Lord forever and ever, Amen.

The PRESIDENT. The Chair thanks Monsignor Howard.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request legislative leaves for the day for Senator LaValle, Senator Stout, and Senator Williams.

The PRESIDENT. Senator Lincoln requests legislative leaves for Senator LaValle, Senator Stout, and Senator Williams. Are there objections? The Chair hears none. Those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDENT. Senator Loeper requests temporary legislative leaves for Senator Madigan and Senator Helfrick. The

Chair hears no objection, and those leaves will be granted as well.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 16, 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—48

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

NAYS—0

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

The PRESIDENT. The Journal is approved.

SPECIAL ORDER OF BUSINESS

MEMORIAL SERVICES FOR SENATOR FRANCIS J. LYNCH AND THE HONORABLE JAMES E. ROSS

The PRESIDENT. As a special order of business, at this time we will turn to the memorial services for Senator Francis J. Lynch and former Senator James Ross.

The memorial service for Senator Lynch will be opened with prayer, and the Chair would once again call upon Monsignor Howard for an invocation.

Please rise.

INVOCATION

The Chaplain, Monsignor JAMES HOWARD, Rector of the Cathedral of Saints Peter & Paul, Philadelphia, offered the following prayer:

In the spirit of God's love for all of us, we gather in memory of a great family man, an exemplary witness for the people whom he served. Senator Lynch's God-given talents have been recognized as instruments of peace in upholding the law, and the true spirit of justice spoken of in the book of Serach: If you pursue justice, you will attain it. Senator Lynch has been much loved by all, especially his family, who shared in his roots of personal caring and love. Senator Lynch has always carried out God's commands and practiced the virtues of justice and charity in the goodness of his life. He has read and listened to the admonitions in the book of Serach: Do not refrain from speaking at crucial times, investigate before you fault someone, make prudent judgments after weighing the issues.

Senator Lynch would have us remember always the new spirit of the law and the observance of the law. He had come not to condemn the law but to fulfill the law, to challenge people to an interior observance of the law. Amen.

The PRESIDENT. Once again, the Chair thanks Monsignor Howard.

CONDOLENCE RESOLUTION

The PRESIDENT. At this time, the Chair would recognize the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT pro tempore. Mr. President, I offer the following resolution and request unanimous consent for its immediate consideration.

The PRESIDENT. The Chair hears no objection.
The Clerk will read the resolution.

(The following resolution was read:)

In the Senate, June 21, 1993

Whereas, The Honorable Francis J. Lynch, 2nd Senatorial District, passed away May 31, 1993 at the age of seventy-two; and

Whereas, a legislator for twenty-seven years, Senator Lynch entered politics in 1960 inspired by President John Fitzgerald Kennedy, and rose through the ranks to become a Senator in the General Assembly of Pennsylvania. He began as a leader in the 15th Ward of Philadelphia, was elected as a delegate to the Democratic National Convention in 1964, and in 1966 he was elected to the Pennsylvania House of Representatives for the 195th District. He won special election in 1973 to represent the Second District; and

Whereas, Senator Lynch attended Banks Business College and Saint John's College. He was a First Sergeant in the United States Army Infantry during World War II and was wounded in France. As a decorated United States veteran, he left the service to return to the United States to operate businesses in the Kensington and Fairmont sections of Philadelphia; and

Whereas, Senator Frank Lynch cared greatly for the families and hard working constituents in his district, and took pride in providing them with effective and competent Legislative service. His legislative

career was marked by a strong commitment to provide quality social services and a better way of life for the working men and women of his district; now therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable Francis J. Lynch, beloved family man and prominent statesman who demonstrated outstanding commitment to the welfare of the community and the Commonwealth; extend heartfelt condolences to his wife, Anne Neilon Lynch; daughters, Margaret Strykowski and Anne Marie Nawrocki; and grandchildren; and be it further

Resolved, That a copy of this document, sponsored by Senator Robert J. Mellow, President Pro Tempore of the Senate of Pennsylvania, be transmitted to Mrs. Anne Neilon Lynch, 4019 Wells Street, Philadelphia, Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT pro tempore. Mr. President, thank you very much for recognizing me on what has to be a very difficult and basically sad day here in the Senate of Pennsylvania, because today we have the opportunity of saying thank you to two very loyal members of the Senate. The first one here we are going to talk about is our good friend Senator Francis Lynch, Lynchie, if you will, as many of us so affectionately referred to him.

I think I had probably as much of a distinction of being able to know Senator Lynch as anyone, because along with Senator Musto and Senator Stapleton, Senator Lynch and I shared an apartment together for a number of years, and the things that I learned about Francis Lynch in sharing some time with him, not here on the floor of the Senate but in a more personal way, was something that I will cherish for many, many years.

Francis was very proud about the fact that he came to the Senate in 1973 in a special election. At that time, he succeeded Senator Ben Donolow, whom many of us had the opportunity of working with. Francis immediately was able to establish himself as an individual who thought it was extremely important to do whatever he possibly could to make sure that the constituency that he represented back home was properly taken care of. And he would preach to us over and over and over, at least in some very quiet sessions that we had with him, that what you did in Harrisburg was important to the people of Harrisburg, but if you were interested in getting reelected, what was important was what you did back in your district to represent your constituents.

Mr. President, we all know, as the resolution did mention, that Francis was a World War II veteran. He was injured in France fighting in the Second World War. Maybe it is no small coincidence that on Memorial Day of 1993 Senator Lynch was called from this life to another life. Maybe, Mr. President, it is no small coincidence that the successor who will take the place of Senator Lynch will also be brought into the Senate in a special election. But I think, Mr. President, the important things that we should be talking about today are what he represented and what Francis Lynch was all about, because I think if he were talking to us today, he would tell us it is important that we talk about what he stood for and do not feel sorry for

me because I am not here today because I did have the opportunity of spending the better part of the last 20 years of my life with the men and women of the Senate.

But the one thing that Lynchie would always talk to us about in private was not necessarily only about the Senate but about his family. He talked about his lovely wife, Anne, over and over and over. He talked about, almost on a daily basis, his daughter Margaret, and I cannot tell you how many times our telephone would ring between 8:30 and 9 o'clock at night and I would answer the phone and the voice on the other end of the phone would say, Senator, is my dad there? And it was Margaret just calling him to find out how he was feeling, and very honestly, at that time Francis Lynch was feeling quite well.

What he used to tell me was that he knew that I liked to exercise and would like to run, and he challenged me to a race that really never took place because I believe when the challenge was made by Senator Lynch, he realized that maybe the race should not take place, for my benefit and not for his, because in his true rare form he would tell me that he knew that I liked to run but if I was prepared to give him a 75-yard head start in a 100-yard dash, he would be prepared to put a small monetary value on the race and he would race me at any time. But either he or I always had a problem with either a foot or a toe, and therefore, the race never took place.

What really is the one thing I think that stays with me about Lynchie even more than that is the fact that when he became ill several years ago, and as we all know, he had heart surgery, he had other major forms of surgery that took place after that, what would happen if I did not talk to him periodically, he would send me a card in the mail and the card would have a quarter taped on it with no message on the card whatsoever except to say, if you cannot afford the quarter to make the call, here is your quarter, because he did not hear from me. On several occasions he would send me two quarters, and I thought perhaps the Public Utility Commission had raised the rates on the telephone, but the second quarter was not for me, it was, he said, in case I ran into Senator Fumo and he forgot how to dial, I should give him the other quarter. So even in the times when Francis was not feeling well, he still never lost any of his humor.

I think the one thing that we will all remember him for the most, basically, is what took place in the last week of his life. The last week of his life, we were sitting in my office—and I am sure that other Members might talk about this—we were sitting in my office in a leadership meeting. The meeting, at that point in time, had not actually been started yet and it was just Senator Fumo and Senator Lincoln and I were waiting for the other Members of leadership to get started in a meeting that was going to take place in Senator Lincoln's office but at this time we happened to be sitting in my office and the phone rang, and the guy on the other end of the phone was Francis Lynch, because the week before we had talked about the fact that it was important that everybody be here the next week because the next week was going to be the week that we were going to pass the budget. We got a call from Lynchie, and we

knew that he had been in the hospital, that he was suffering from some internal bleeding and he was not feeling well. And he said to us on a conference call—we had the phone on a speaker system in a conference call—if you guys need me, I am coming. We said to him collectively, Francis, your health is more important, do not worry about coming to Harrisburg. He said, no, that is what I was elected to do, and if you guys call me back later on today, I will go ahead and make sure my surgery is postponed and I will be there. Later on that afternoon we did talk to him and he said, just tell me when you want me there and when we will be voting on the budget and I will be there. He was prepared at that point in time, Mr. President, as he always was, to put public service ahead of his own will, of his own health, because he felt it was very, very important to the people who elected him to be here that he was here to do the job on their behalf.

Some of the editorial comments referred to him as inspirational. The York Daily Record said that he was, quote, "a true public servant." That he was prepared in a heroic effort to put duty ahead of self-preservation, and that he was gutsy and that he was feisty. I do not really think you can find anything else that would explain the true grit that Francis Lynch was made of. But I think one discussion that took place maybe characterizes the whole thing, and it was the phone call that came on Thursday of that week from Governor Casey, who we all know went through a very difficult medical procedure just a week ago today. Governor Casey was holding a town meeting in Hazleton in Luzerne County. Governor Casey was obviously totally unaware of what he was to be confronted with in a few weeks, but he called Lynchie to give him his good feelings, his best wishes, and the wishes on behalf of the entire State, because he knew exactly at that point in time what his old friend of 30 years was going through, and he thanked him for leaving his sick bed to come to Harrisburg to cast the deciding vote on the budget.

So we are here today to say to Francis' family, to his lovely wife, Anne, to his daughter, to his grandchildren, and to his friends and fellow workers, and, indeed, to the other Members of the Senate, those of us who worked with him and knew him so well, that we are not here today to say, Francis, we miss you, because that goes without saying. Those of us who attended the funeral Mass just several weeks ago heard the great eulogy that was given at that funeral Mass. But we are here to say, Francis, you were an outstanding public official, you were prepared to go ahead and to serve above and beyond the call of duty so that the people who elected you would be able to have their voice heard in Harrisburg. And I think if we look here at 10 minutes after 3:00 on a Monday afternoon, really about the time the Senate would convene, if we can only fantasize for a moment, maybe the Senate is convening. Instead of Mark Singel, the Lieutenant Governor and the Acting Governor of the Commonwealth, hitting the gavel to bring the Senate into Session, somewhere, somehow, maybe the President pro tempore of the Senate, Marty Murray, is doing the same thing today. And maybe the very distinguished Republican Leader Dick Frame is on one side of the aisle, and perhaps

if we can only fantasize and think about it, maybe at the other leader's desk it is either Jim Ross or Jim Romanelli, or maybe Francis Lynch. They may be looking down saying, look at what those people are doing. We are up here. We had the opportunity of working in the Senate and now we have the opportunity of having our friendship through eternity.

So to Anne, we just want you to know that Senator Lynch will always be a very strong part of this body. For me personally he was a dear and a trusted friend, a man whom I will miss but I will miss in a very affectionate way, because when I think about the race that he challenged me to several years ago and the fact that some of the quarters that he sent to me I did save, he will always have a very special part in my heart and in my life, and it has just been a pleasure and an honor for me to have been able to work with Senator Lynch and to have known him as a man, as a father, and as a grandfather.

Thank you very much.

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

Senator JUBELIRER. Mr. President, I join with the gentleman from Lackawanna, Senator Mellow, the President pro tempore of the Senate, and I am sure all Members of the Senate, in urging a positive vote on the resolution so beautifully prepared and offered by the gentleman from Lackawanna, Senator Mellow, and certainly on behalf of the family members who are here today.

Mr. President, at a time when many people feel government has grown out of touch, today we pay our respects to two colleagues who were noted and respected for how very much in touch they were with the people they served. Sometimes I think it is important to step back and take a look at life and not get so embroiled in what we call this place, and all of us do that and I certainly am an example of that as much as anybody else, if not more. You do get caught up. You do understand that you have a job to do and sometimes we do it perhaps quite zealously. But as we look at life and what really counts and pay our respects to our deceased colleague today, Francis Lynch, Lynchie, we know that he truly, I believe, enjoyed life, gave to his community, gave to his family, gave to his church and to his party, loved life beyond belief, and certainly always had a tremendous sense of humor and a great outlook on life.

He came from an area where, frankly, the politics of the street are indeed very tough. He was a master at politics in the city and he met all challenges that were presented, and certainly he had them. He came in a special election in 1973, a year before I got here, and he had to fight for his seat many times thereafter. It was not always given to him. But again, he was a master of politics in the city and he found a way that, frankly, all of us look to find, and that is to survive, to get back here to have an opportunity to serve the people and to have an opportunity to get things done, and so he did. While every Member places an emphasis on constituent service, few during their careers have been so closely identified with working to meet the needs of the neighbors and the neighborhoods.

I never really heard him engaged in political doubletalk. He had that directness to let you know where he was and why, and when you heard it from Lynchie, you could clearly understand it because it was as basic as it comes and there was no doubletalk with him. He told you where you were and he never talked about you behind your back. He was a straight shooter, and I respected him for that. He was consistent in his views and true to his roots. To the end, he was faithful to his belief in responsibility and representation. He made a great deal of friends here in a body that is mighty partisan, to say the least, but I think there are some friendships made here that transcend politics and certainly cross the aisles and cross the bodies of the General Assembly. I did not know anybody who did not like Frank Lynch, who did not believe that he was a colleague of true spirit, and as the gentleman from Lackawanna, Senator Mellow, said, true grit. He made us all feel a little better about ourselves, and, certainly, even though we are in a very difficult time in our State's history, when Frank Lynch walked on that floor several weeks ago, I think all of us got goose bumps as he stood erect, walked without his wheelchair, and met his responsibilities. And for that, I will never forget and I have the utmost respect for what he was trying to do and the message he was trying to send.

My goodness, cannot his family feel proud. My father, whom I looked up to very much, and on this day after Father's Day, I think of what he tried to tell me, and he said without equivocation that the only thing he had to give me was his name and it was up to me to take that name and pass it on to my children because everything else, frankly, mattered less. And so I say to Anne and the Lynch family that Frank Lynch did indeed pass that name on to another generation, and that name is well respected and will always stand for the kind of spirit that he exemplified here several weeks ago, for that is really what he will be noted for. That is really what his heritage is to his family, and I know of no greater gift that he could have given to his family than to pass on his good name.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, I would like to join my colleagues today in remembering one of our own, a man who was certainly a friend to all of us, Senator Frank Lynch, who long before it became popular as a slogan during last fall's campaign for the Presidency, he put people first, and his gift to this legislature was he always, always stood on the side of ordinary citizens. For all of his 26 years in this Senate and in the House, he never forgot who sent him here. He never forgot the people back home.

He was born to a working-class family and raised in a row home in the Fairmount section of Philadelphia, and Frank grew up in the rough and tumble of city life. There was no silver spoon in his mouth, he worked for what he achieved. And when it came time to serve his country in war, Frank Lynch was right there and did his duty. As we know, he was wounded in action in France during World War II, and he was a recipient of the Purple Heart and of the combat infantryman's

badge. As we also know, he was a political soldier as well. He fought in the trenches of politics in Philadelphia all the way to the halls of politics under the dome here in Harrisburg.

But perhaps unlike some of the others, Frank Lynch's brand of politics had only one purpose, and that was to help people. That was evident over and over again when, despite lobbying from the monied special interests, Frank Lynch stood tall for working men and women, for senior citizens, and he never forgot the consumers throughout his district as well as throughout our State. Yes, it was Frank Lynch who served as the catalyst for final enactment of legislation just a couple of years ago to bar doctors from overcharging senior citizens on Medicare. We remember that. It was the so-called MOM bill. And it was Frank Lynch who always supported measures to increase the minimum wage, to boost job creation, and to improve the health, the safety, and the quality of life for all working people. It was Frank Lynch who year after year proposed consumer legislation, against the lobbying of big supermarket chains, to require grocery stores with electronic scanners to item price their products. It was Frank Lynch who stood up for utility rate relief and against interest rate money grabs by the banking special interests. It was Frank Lynch who, despite the risk to his own personal well-being, put his duty to his constituents above all else. He came to Harrisburg to cast a deciding vote on this year's budget because of his commitment to people first.

Mr. President, with the passing of our very good friend, our colleague, Senator Lynch, Pennsylvania certainly has lost a true public servant. He will be sorely missed.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, Senator Lynch not only gave me the privilege of serving with him in this body for many years but he also extended to me the privilege of spending some time, particularly during the summer recesses, with his family at his Irish home at the shore. And my family enjoyed a wonderful relationship, a true friendship with Francis and Anne and their two daughters. You know, the gentleman from Lackawanna, Senator Mellow, mentioned about the race that never took place. I recall the summer that Tommy Lamb and I were at the Senator's home at the shore and we had that 100-yard dash. Tommy Lamb was the starter and I raced the Senator, and right before the race started, Tommy said, remember, Senator, we are his guests so make sure he wins, and of course he won and I came in second.

You know, this man served his constituents well. He had a way of his own, a manner, a style of his own, always with the utmost to help the people he served. He certainly was a compassionate and a generous man. That was Frank Lynch. And the Lynch family is a very close-knit family, and I know how deeply they miss the man who was always there when they called upon him or when they needed him.

So my sincere very best to Anne and his daughters, his relatives, and other friends who are here with us today. I, too, lost a good friend whom I will miss, but I certainly will always

remember the wonderful memories over the many years of Francis Lynch. He will be with me forever.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I had some prepared remarks but I think probably I would feel more comfortable and Lynchie would feel more comfortable if I did not read something and I just said it.

I cannot argue with him about the Phillies. I think it is unfortunate that he is not going to be here with us. He can probably watch from up above, but he suffered for a lot of days with a lousy baseball team and he finally got a good one and then he leaves us. But he and I cannot argue about that any longer because I think somehow the Phillies got transposed to Pittsburgh, so our arguments probably would not be any better than they were for years whenever one team was better than the other.

I wish that I could say specifically what he said the day we talked to him about the budget and tried to talk him into not coming up here, but I do not think the record would probably reflect today, if you read it 50 years from now the people would not understand the language that I would be putting into the record. But he was extremely upset about some of the things that had transpired here earlier in the week, and I think it really inspired him to have the strength at a time when he was physically very weak.

I have read over many of the editorials throughout the State talking about the courage of Frank Lynch, but you did not have to read that to know it. You know, we saw him come up here many times when his health was not really what it should have been and he would sit here and take in all the surroundings and with that sly wit of his give you a good laugh every once in a while whenever things were going a little bit badly. But I think the real purpose that Frank Lynch had was to do exactly what he did that Friday when he came up and sat here and waited to vote for the budget, and I think you probably would have to be Irish, I guess, to be able to do what he did, and that was to die on Memorial Day. I mean, what is more fitting on a day when we remember our heroes than for him, after the heroic effort he put in the week before, to leave us on that day?

I think it is interesting that we can be around people all the time like we are and really not think of the wonderful things about them until they are gone, but I think that probably when we see the Frank Lynches of the world leave this particular business and pass on, we are losing not just a good friend and a good colleague but someone who was raised in a different political atmosphere and someone whose word meant something and who would take a beating for a friend, and unfortunately we are not seeing a whole lot of that kind of people coming into public office today. So it saddens me more, I think, not only losing a good friend but losing someone who set a good example for what people in public office ought to really be like, and it was very basic. And as has been said before by other speakers, he knew where he came from, he

knew how he got here, and he did not forget those things. And as simple as that sounds, I have seen people come and go in this business in just the short time I have been in it that could never grasp that simple way of doing your job and being able to be reelected.

So I say, Lynchie, thank you. Thank you for the good times, and I thank you for being my friend.

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

Senator O'PAKE. Mr. President, it is days like this that make all of us painfully aware of our own mortality. It seems that hardly a day passes lately that we do not suffer through a politician's health crisis or a final passing. It ought to send us all a message so that we begin to focus on what is really important in life.

As one who served with Frank Lynch in the House of Representatives and in the Senate, I think the record should show what his family and all of us who worked with him know, and that is that Frank Lynch was truly focused on the needs and the concerns of his constituents. He was, without doubt, the row house Senator, born and raised in the row houses of Philadelphia, and that background and the wisdom he gathered from it in the neighborhoods, the churches, the schools, and, yes, the bars of his area, made him a Senator who for over 20 years truly reflected the concerns and, yes, the values of his people, the people in the row houses, very often the forgotten people in all this political hoopla up here, and the values and the concerns of his neighborhood, his district, and his city. Frank Lynch never cared about editorial support, he cared about what the people were thinking. He did what was right for the people of his district and for the people of Philadelphia. How refreshing.

I think it is more than symbolic that Frank Lynch's desk was in the back of the Senate Chamber, because he never wanted the limelight. He was not interested in making speeches and seeing his name in the paper or his face on television, but he worked quietly, efficiently, effectively, and totally committed to the people he represented.

I hope that we all learn from Frank Lynch, the Frank Lynch who enjoyed his summers down at Longport, and the Frank Lynch who thrived in doing the people's business in Philadelphia. Yes, we will miss him and I hope that we will all learn an essential lesson from Frank Lynch, the row house Senator.

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

Senator SALVATORE. Mr. President, Monsignor Howard does us honor by being here today. I know Frank would have been very happy to know that he was here today.

To Anne and the family, I guess Frank and I go back to the beer distributor days when Frank was a beer distributor, and then later on, he and I had the pleasure of serving in the House together.

As the gentleman from Berks, Senator O'Pake, said, he liked to sit in the back. He was a back burner, like some of us other guys back here. But Frank was more than that. Frank was the kind of a guy who cared. And you heard about his

constituent service, and that is true, but Frank had loyalty. He was one of the most loyal persons you ever met. Even when his party was against him, he ran against the party. And who prevailed? The people of his district who knew and liked Frank Lynch, and he won. And he came back here and became part of the party again, because that was Frank Lynch. He knew no other way.

Frank Lynch also was the kind of guy that no one, no one ever said a bad word about Frank Lynch. I have never heard a Senator or a House Member say a bad word about Frank Lynch, and that is a pretty good message. That is something I would like people to say about me if I ever went, but I know that is never going to happen. But I am sure there is not a person in this Chamber who ever had a bad word to say about Frank Lynch. I never heard them.

Anne, I am awfully sorry that Gloria and I were not here for the funeral because we were in Italy. But we knew them personally. Frank and I played golf many years ago down in Atlantic City, when he was playing golf, and we got to know each other very well.

I could go on and on and talk about Frank Lynch, but a lot of things would be redundant. All I want to say to you, Anne, and your daughters is that we are going to miss him and we wish you God's strength and pleasant memories of a wonderful husband.

Thank you.

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

Senator FUMO. Mr. President, I was fortunate that Frank was my friend from when I very first got here, in fact even before that, when he was leader of the 15th ward and I worked with Senator Camiel at city committee. And now with his passing, I guess I have become the dean of the Philadelphia delegation, not something that makes me particularly happy.

I remember the day he got elected. We were at city committee, and it was a very, very happy day for him. Buddy Cianfrani was there, we were in Pete Camiel's office, and he had won after a very hard campaign in a special election. He was a great storyteller, had a wonderful repertoire of one-liners and things that would always keep you laughing. He would always keep your spirits up. I remember one time he bought a boat. Remember that, Bill, with the boat? And his friend, Jim Gilland, and I went out, brought him along with us, and I had no idea what Frank was going to do with a boat. He bought all this stuff for it. Gilland stuffed more things into that boat. Then I found out it was on my charge. But I think he kept it for a little while and then said, that is it, and got rid of it.

I remember he was always very close to my parents, to my mother, who was Irish, and he was Irish, and they enjoyed that camaraderie; and my dad, he was always worried about my dad being sick and he got very close to him. I remember in the summertime, he used to drive over from Longport on Saturday mornings to talk to me, and my mother would be outside sweeping the porch and she would say to Frank, it is too early, he is sleeping. It would be about 10:30, 11 o'clock, and by the

time he finally called me back, he would give me heck for that, but he would never argue with my mom about that.

He was always committed to senior citizens and their problems. He never forgot them. No matter what it was, he was there. And as was said earlier, he had great relationships with this entire Senate on both sides of the aisle. I remember one time, and some of us who were here then probably remember it too, when there was a critical vote on Philadelphia, and I have forgotten exactly what it was; it was in, I guess, late November when we were just about to recess sine die. Clarence Manbeck, who was a very good friend of Senator Lynch's and it was the year he retired, and the vote was right down party lines and Frank went over and got Clarence Manbeck to vote with Philadelphia. And the papers were astounded. I remember Bill Green was mayor, and he said, gee, Frank Lynch is the linchpin in holding together the city of Philadelphia, and he was. Many times he was overlooked because he was not a great orator, but he got done the business that had to get done.

I remember his last election when I went and debated for him on television and made history. Frank did not want to go. He said, you go up there and take care of that. I did that. And I remember campaigning for him, and I remember the night he won that election. It was by about 200 votes. And we were there at one of the union halls in Philadelphia, I think it might have been the roofers union, I have forgotten which, and we thought we were in the Majority. We started talking about what offices we were going to take and things like that. Frank was very elated. I got in the car and drove back along I-95 and got a phone call from my wife, who asked me if I ever heard of a Senator named Regoli, and I said, yeah, why? And obviously, John did not make it through and we were still in the Minority, and Frank always laughed about that, when he was the one who was supposed to be in trouble.

Throughout his entire illness he always held on to his commitment and his dedication and always had a fierce drive to stay here and serve. I remember one time a few months ago, I think Anne had to go into the hospital on a Monday, and he called me up at home on Sunday and he said, Anne has to go into the hospital tomorrow and I have to be with her. You are going to have to get me personal leave, and up here that was tight with the numbers we had. And I said, okay, Frank. And I said, you know, Frank, you are getting kind of old. Maybe you ought to think about retiring or something like that, and he came back to life instantly and reamed me out: What do you mean? I am in great shape. I will be there Tuesday. I will be up, and he was. You could not talk to him about that.

And then the day he came up here to vote for the budget. He was full of vigor and commitment that day, and if you recall, we did a bill on that day to set up a new structure at SEPTA and there were going to be six new seats on the SEPTA board, and the first person to request a new seat on that board was Frank Lynch while he was sitting right there in that chair. I said, okay, Frank, all right. I will talk to the mayor and possibly get you one of those seats on the SEPTA board. So he was always ready to keep working.

He went out a winner and a hero. He made the ultimate sacrifice for his party, for his city, and for his State. He went out a winner. And many of the newspapers that were always critical of him wrote very well of him during those last days. I have always said I know my obituary is not going to be strewn with a lot of praise, particularly from the Inquirer, and I guess Frank felt the same way, but it came out a lot different. And I know he is up there with my mother and my father and Senator Ross, and so many other people, looking down on us and smiling and waiting for us to come up there and sit down with them again. If there is a Senate up there, he will be in it, and I am sure he will be cutting some deals and maybe he will be put on a new SEPTA board up there some day. But he will be sorely missed by me and everyone in this Chamber, by all of his constituents, and all of his friends.

I remember the day I got the phone call that he had died. It was early in the morning. It was the first call I got, from Senator Mellow, and I called up a good friend of his, Stephen Wojdak, and woke him up. And rather than even talk, he said, I have to hang up. I was in love with that guy. And he had to compose himself and call me back an hour later, after he got past some of those hurt feelings. And I think we all felt that way. But as I said, he went out a winner, and that is what he will always be remembered for.

Anne, Margie, and everyone, our deepest condolences and our greatest thanks for letting us have him as long as we did. Thank you.

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

Senator BELL. Mr. President, when the remarks were made of Frank Lynch serving in France 49 years ago, he was one of the ones who went over the beach in Normandy, and that was a very crucial part of his life.

During the 10 years I was chairman of the Committee on Consumer Protection and Professional Licensure, Frank served on that committee. And Frank, as was stated earlier, led a fight to protect his neighbors against overcharges by the big supermarkets with the item pricing, and he at all times was fighting for his neighbors, fighting to see that they were not overcharged by the telephone companies, and fighting against the electric companies. He at all times was here as a representative of his neighbors.

His family does not know this, but he served as the chairman of the Committee on Transportation back, oh, around 1976, and one of the reasons that I-95 was completed—remember, there was a gap between Chester and Trenton, maybe closer to Trenton—was because Frank was chairman of the Committee on Transportation and stressed to a new Governor Thornburgh that that road had to be built. So there is a monument to Frank.

And I know in 1976 we had a public hearing for the Blue Route in Delaware County. Frank was chairman of the committee, I was a member of the committee, and Frank came in to Chester and had a public hearing on the Blue Route. And this was a bitterly opposed highway because the monied interests in certain parts of my county and elsewhere did not want

it. But Frank was strong for the working people. He let me chair the committee meeting, and today when you ride over the Blue Route, that is another monument to Frank Lynch.

I am thinking back to when Congress dumped on the Commonwealth of Pennsylvania and the city of Philadelphia and its adjacent counties the problem of financing SEPTA. The Feds walked away and left it right in our lap. And again, Frank was there. And some of the operations we have today with SEPTA's relationship with the Commonwealth of Pennsylvania are due to Frank Lynch.

You notice I have not overemphasized that he was my friend. He was my friend, and I have always respected Frank Lynch from the day I met him. I have always held him high in my esteem as one of those who went over the beaches at Normandy.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Jones.

Senator JONES. Mr. President, to Mrs. Lynch and other members of your family, I truly consider it a privilege to stand here today with my colleagues in remembering a good friend, a good warrior, and that is Frank Lynch. I will miss Frank an awful lot, but not only me, a lot of the people I represent will truly miss Frank.

I met Frank years ago. I met him through Frank Oliver in the 29th ward and I found him to be an understanding person. At that particular time I was chairman of the Philadelphia Welfare Rights Organization and a member of the national organization, and it was Frank Lynch who understood our plight. He understood that people needed an opportunity to have job training. We talked about those things. He understood the fact that people thought that people on welfare were the biggest frauds in the world, so he supported my idea of identification for welfare recipients, which saved the State millions of dollars.

We have a lot to remember Frank for, and a lot of things I am saying I know some of you are not familiar with. I can remember when we were strapped and did not have money at Welfare Rights. It was Frank Lynch who said, I will help you pay the telephone bill. Frank also represented my district when he went to the Senate. He represented my church, the United House of Prayer for all People. Upon the news of his death, it is just unfortunate you could not have been at my church when we had service the Tuesday night of his death. I heard about it, and they told me the subject was Frank Lynch. They remember him. They remember Frank because Frank was concerned about constituent work. I used to sit right in front of him in this seat right here, and he used to tell me how important it was to remember constituent work. He said, Roxanne, you do not have to worry about running around speaking and going every place people want you. He said, remember the people in your district who thought enough to put you here. And by the way, he was one of my staunch supporters, as all of you were. But Frank used to call me and talk to me about how to act. He said, now, do not be loud. When you get up and ask for something, remember you are not in Welfare Rights now. But I loved that, because he taught me a lot, as

did a lot of other Senators here. But I will tell you, the calls-- and I want you to know this, Anne--the calls that I have received at my home from welfare recipients would just totally shock you. They were concerned about him. They miss him already, and there were some beautiful things that they said about Frank.

Frank is gone, but, you see, Frank left a legacy. He left a legacy here with all of us, and that is to work hard. Do not be phony. Be real. Be as you are. I remember I said to him, Frank, you know, I cannot say a lot of those big and tough words, you know, that different ones say. So he said, do not worry about it. You hear how Senator Fumo talks, do you not? Forget those big words. Just say what you have to say. You know how I talk. I loved that, because he was real. But then again, when Frank said something, you could take his word. You could take his word for it. If I said I needed support, I had that.

I mentioned the telephone. I could tell you about the rents, and this is when we had moved to Philadelphia Citizens in Action, 2019 Columbia Avenue, now Cecil B. Moore Boulevard. People did not know these things about him, Anne, and the rest of the family, and I feel I would be remiss if I did not stand here and tell you. Frank cared about poor people. He cared about the fact that he said that he knew that people did not relish being on welfare. But he also knew there was no place else for them to go. There is one thing I am glad that happened before God took him home, and that was the abolishment of the welfare liens. He was a great supporter of ours with that movement.

So I say to you, look up. I know you are going to be sad, but look up, because God took a soldier home. Frank, in his time and in his space, with God's grace, made a difference. He made a difference in his home, in his church. I know that because I sat in front of him, and he used to talk about his family, his church, his community. Frank made a difference in the city of Philadelphia and in the State, and I would not be remiss to say he even made a difference in the Nation, because a lot of ideas he had are going to be implemented or have been implemented, and they have helped many people.

So I say to you, he is in God's arms now. And when he got there, I know that God said, come on in, servant, sit down. You have done a good job.

Thank you.

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

Senator SCANLON. Mr. President, it is very difficult to talk about Frank Lynch, particularly at a time like this. But he not only was in France, he was one of very few living men who were with the First Infantry Division that landed in Africa, Sicily, Italy, and France, as a rifleman. It is very rare for a rifleman to live through all of those encounters, but he did, but he never bragged about it. It is an insight into his courage, as he proved here the last week of his life.

But I remember Frank for his very simple tastes and his great sense of humor, and I will tell two little stories about him. One time on one of our alleged junkets to San Francisco,

there were about 12 of us -- Pete Coleman, Marty Murray, and the old junketeers who are not around here anymore. We decided we were going to have dinner at the Mandarin Restaurant on Fisherman's Wharf, and this is a class joint. I mean, we walked in and Frank could not get his eyes off the place. And we all sat around a great big circular table, at the center of which was a lazy susan, and all of the Chinese food was brought, I cannot even remember the names, and set on this lazy susan, and you would turn the table to where you were seated and take what you wanted. There were items of food there that I had never seen before, had never tasted, had no idea what they were, but I was eating it. And we were all eating it. The maitre d' was quite upset because Frank Lynch was sitting over there not touching anything, and this place was class. The maitre d' came over and said, sir, are you unhappy with the food? And Frank said, I do not even know what half this garbage is and I do not want any of it. He said, what can I get you? He said, I want a ham and egg sandwich. In the most exclusive Chinese restaurant in San Francisco, he wanted a ham and egg sandwich.

His humor, to have played golf in the same group with Frank and the late Senator Herb McGlinchey was a real treat. It was good for the laughs. On an occasion down in Florida, the three of us were members of a foursome and Herb McGlinchey hit his ball into a little clump of weeds. I walked over and Lynchie was with me and you could see the ball, and I said, there is the ball right there, and McGlinchey came up and he said, I am going to go in and get it. Frank said, do not go in and get that ball, and McGlinchey said, why not? He said, because if you do, you will come out wearing alligator shoes. So this guy had a real wit and a real sense of humor. And he loved McGlinchey, and I am sure that the two of them are up there somewhere playing golf and looking for lost golf balls.

May he always rest in peace.

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

Senator FATTAH. Mr. President, let me just offer my own words to thank Senator Lynch for his contributions in another way that has not already been mentioned here today. He also served on the PHEAA board, the Pennsylvania Higher Education Assistance Agency, and he took great pride in his service there, and as chair of the executive committee, I would be remiss if I did not offer our fondest hopes and aspirations for his family on this occasion. He took great pride in the tens of thousands of students throughout our State who were able to get PHEAA grants and loans to pursue their education and to pursue their aspirations.

And I also would like to take a minute to offer my thanks to William McLaughlin, who was on his staff and looked after the Senator. He is a constituent in my district and he worked very hard to make sure that Senator Lynch was able to carry out his duties.

So on this occasion, I guess it is very difficult for those who served with Senator Lynch to remember that death is certain and life is uncertain. We act as if it is the reverse, but

here is a person who was an ordinary man but had an extraordinary commitment to the people of this Commonwealth and to the people of his district, and he will always be remembered by me, and I am sure by everyone within the sound of my voice.

Thank you.

And the question recurring,

Will the Senate adopt the resolution?

The PRESIDENT. All those in favor of the adoption of this resolution, please stand for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Senator Francis J. Lynch.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

CONDOLENCE RESOLUTION

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT pro tempore. Mr. President, I offer the following resolution and request unanimous consent for its immediate consideration.

The PRESIDENT. The Chair hears no objection. The clerk will read the resolution.

The Clerk will read the resolution.

(The following resolution was read:)

In the Senate, June 21, 1993

Whereas, the Honorable James E. Ross of Beaver Falls, a member of the Senate from the 47th District passed away May 22, 1993 at the age of seventy-two; and

Whereas, Senator James E. Ross was a dedicated public servant for over 30 years serving as a Beaver County Commissioner for 12 years from 1960-1972, and as a Member of the Pennsylvania State Senate from 1972 until his retirement in 1990; and

Whereas, Senator James E. Ross had a strong dedication to the principles and ideals of America and the democratic system of government, and proved his commitment when he served his country in the United States Coast Guard earning 4 battle stars in the Pacific Theatre during World War II; and

Whereas, Senator Ross was a strong advocate in the General Assembly for the working men and women of Pennsylvania, and never forgot his roots as a former millworker and construction foreman in Beaver County. His work to create legislation to benefit Pennsylvania workers, and bring a strong economy to his district, will be long remembered; and

Whereas, Senator Ross had a great respect and admiration for his fellow citizens of Beaver County, and worked tirelessly to promote their interests and address their concerns as a Member of the Pennsylvania General Assembly; and

Whereas, Senator Ross was a caring and devoted family man, and greatly enjoyed the hours spent with his wife, children and over 20 grandchildren; now therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania notes with great sadness the passing of the Honorable James E. Ross, devoted family man and dedicated legislator who exemplified a deep devotion to the welfare of the people of Beaver County and the Commonwealth of Pennsylvania; extends heartfelt condolences to his wife, Dorothy Moravec Ross, daughters, son, and grandchildren; and be it further

Resolved, That a copy of this document, sponsored by Senator Robert J. Mellow, President pro tempore of the Senate of Pennsylvania, on behalf of the Members of the Senate, be transmitted to Mrs. Dorothy Ross, 200 Fourth Street, Beaver, Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT pro tempore. Mr. President, in all the years that I have had the opportunity of standing on this floor as a Member of the State Senate, I do not think any opportunity has been more eventful than the opportunity to speak here this afternoon, because not only did we have the opportunity just a few moments ago to say some very nice words about the life of Senator Francis Lynch, but now we also have the opportunity to do the same on the life of Senator Jim Ross, because we have been blessed to have been able to know both of them and to have known both of them at the same time, and to have worked with both of them together. If we can look at the similarities of the two individuals - one was elected in 1972 in the regular election, was a county commissioner in Beaver County; the other fellow came in a special election in 1973, shortly thereafter. Both of them were taken from us at a very early age in life, really, both in their early seventies. Both gentlemen had the same type of medical problem. I can remember, it was not that many years ago when Senator Ross was at the Hershey Medical Center because of having heart surgery, the same thing that Senator Lynch suffered from later on. Perhaps that should be a lesson to each and every one of us in this room. But both of their medical problems went beyond that. They both suffered from diabetes, and I can recall many, many days when Senator Ross would have to, because of his problem with diabetes, take an injection of insulin.

Both gentlemen served in World War II and were distinguished veterans serving our country, prepared to pay the ultimate price so that we could enjoy this expression of freedom that we have the opportunity of participating in here this afternoon. Both of them fought for their constituent service and for the people whom they represented, which they felt collectively was the most important part of being an elected official. And for as loyal as they were to their constituencies, both of them were equally as loyal to the party that they represented, with the philosophy of their political upbringing. And is it not ironic, Mr. President, that both of them passed away in the same month of May of 1993, and they died within 9 days of one another.

I guess it is kind of difficult today to put into the proper perspective what I guess we really all would like to say about them. My first experience with Jim Ross was a tremendous experience, and I will never forget it until the day I die, because that was in November of 1972, after Jim was elected to the State Senate—a seat, incidentally, that we Democrats knew at that time was very important to win back if we wanted to control, at least in the political makeup, the body known as the State Senate. And the way things are so similar then as they are today, we were discussing on the floor of the Senate that

particular week a bill that dealt with workers' compensation and the reimbursement to miners who were suffering from black lung, if you will. And a discussion took place not here in this body but just out behind the Chamber when two Members of our Senate got involved in a little bit of a discussion that developed into an altercation, which is really uncharacteristic of Members of the Senate, and I happened to be standing in the back, and who was the fellow who stood between the two of them to break up any potential altercation that could develop but Senator Jim Ross. There was one punch thrown in the battle, and who got hit in the head with that punch but Senator Jim Ross. And he joked about that over and over and over.

And how can we forget his work in 1977 when we were in gridlock. We in the Senate and the House of Representatives were faced with a budget impasse. We were suffering at that time, very similar to today, with a national recession, and we could not get a budget passed. Jim Ross spent month after month right here in Harrisburg on a conference committee until the end of the summer of 1977 until finally we were able to pass a budget, much in respect to the tremendous amount of work that was done that summer by Jim Ross.

And how could we ever forget the luncheons in his office? You did not have to be invited to participate in the luncheon. All you had to do was walk somewhere on one of the floors of the Senate and the aroma of the food, the smell of the Italian food that was cooking somewhere near Jim Ross' office would eventually lead you into his office, and whether you were invited or not, you were allowed and asked to participate. Each and every one of us was there, and as I can recall, at least the last two Governors. In fact, I believe, if memory serves me correctly, Governor Shapp, Governor Thornburgh, and Governor Casey all, from time to time, participated in those great luncheons, and it gave us the opportunity to talk to one another and to put away and put aside some of the very strong partisan differences that all too often divide us, which is so unfortunate.

I think maybe the one thing that really brings it all into focus for me with Jim Ross was he used to refer to me as a slate picker from Scranton, and I would say to him, hey, Jim, I have you in seniority. And he would say, yeah, but I am old enough to be your father, kid, so why do you not just shut up? And I would have to listen to him because I certainly would not want to disobey my father.

In November of 1989, Jim came walking into my office, he was not feeling well, and he said to me, I am going to tell you something, but if you share it with anyone, I will deny it. I said, what is that, Jim? He said, I am getting prepared to resign from the Senate, and the person I want to make the announcement of the resignation is you. I thought perhaps he meant that he was going to resign from the Senate that day. I said, Jim, when do you want to do this? Because I knew he was not feeling well. He had surgery, he had other problems, and he was having a difficult time breathing. Jim was a man of tremendous stature - probably 6 feet 2 inches, 230 to 250 pounds when he was very healthy. He said, I will let you know

when we are going to do it. I then thought perhaps he had forgotten about it because we were into February of 1990 and he never said another word to me, and I thought maybe he just was not feeling well that day and the thought has now passed him by. Then he came walking into my office and he said, today is the day. I said, today is the day to do what? He said, today is the day I am going to resign from the Senate. I said, now, wait a minute, Jim. Let us do this the right way. You have been here 17 years. If you are going to resign, let us have a formal news conference. We can invite the Governor and other Members of the Senate, you know, and do this properly. He said, no, you do not understand. Get the Governor on the phone, because today is the day. So I had to call Governor Casey on the phone—thank God he was in his office at the time—and I said to him, Governor, Jim Ross wants to resign from the Senate. He wants you and I to make the announcement, and he wants to do it in your reception room. The Governor said, if that is really what he wants to do, give us a few moments to put it together, and we did it without a prepared statement. The only prepared statement we had was our thoughts and our feelings for Jim Ross.

Jim was a man who had great vision when it came to highways. I know that I was able to speak at a testimonial dinner held on his behalf sometime later on in 1990. Jim did not want that testimonial dinner, but if memory serves me correctly, close to 1,000 people were there of his family and friends to say thank you for a job well done. And on that particular night we talked about the possibility of renaming the Beaver Valley Expressway, something that Jim was so much interested in to try to revitalize the Mon Valley and to do something for Beaver Valley. So we were able to get a bill introduced to name the Beaver Valley Expressway the James E. Ross Highway. And it is great that Jim had the opportunity of being able to share not only in the passage of that legislation to make that highway possible but also to take part just within this past year of the dedication of that great road that bears his name.

Many times Jim talked about his lovely wife, Dorothy, and I know that he shared such great love and affection for her that he had a tremendous concern the time she fell and broke her hip. He would talk to us over and over and over about the fact that he was in Harrisburg in body but his mind and his heart were back in Beaver, hoping that his wife was okay. And I can only tell you that on at least a half a dozen occasions Bill Lincoln would come in and tell me, after I was elected as the Democratic Leader, you know, our buddy Pop Ross is a grandfather again. The baby is so and so, it is a little girl who was born -- the size of the girl, she was born on such and such a day at such and such a time, and she was 24 inches long and weighed 9 pounds. Make sure that it gets in the record. And I think the last time I can recall, and talking to his daughter Dottie today I tried to verify it, Jim and Dorothy are the proud grandparents of 24 beautiful grandchildren, and Dottie did tell me that the 25th is on the way, and I am sure that Jim Ross is looking down above us today not only at that 25th grandchild that will be born very shortly but also at each and every one

of us saying, what the heck are you guys and ladies doing there? You are making a lot of nothing.

Dottie, to you here today representing the family, to your wonderful mother, to your 7 sisters and your brother and the 24 beautiful grandchildren, on behalf of the entire Membership of the Senate, those who are here with us today and those who were here during the 17 years that your dad was a Member of the Senate, we just want you to know from the bottom of our hearts that today is not a day to eulogize in a way of feeling sorry for Jim but today is a day to praise him and to praise his great accomplishments not only as a public official, not only as a politician, not only as a legislative representative of the people from Beaver, but most importantly as a father, as a husband, and as a grandfather. To you and your family, congratulations. You had an outstanding dad, and he will live with us forever.

Thank you.

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

Senator JUBELIRER. Mr. President, as I indicated earlier in remarks, without question, today is a day to celebrate and commemorate and remember the life of Francis Lynch and the life of Jim Ross. We have mourned them, and now is the time to celebrate their accomplishments. And when it came time for people to recall his accomplishments, surely in the case of our friend Jim Ross the list began with family - a good marriage of 50 years, 9 children, and 24 grandchildren at the time of his passing. And how proud he was of that family. It was the most important accomplishment of his life. We can talk about legislative accomplishments, we can talk about the things we do in our professional life, but for Jim Ross, there was only one real accomplishment and he referred to it all the time, and they were his wife, his children, and his grandchildren.

What a proud man he was. He was a leader, but not out of personal ambition or for the glory. The road for Jim Ross always headed back home to his family, his neighbors, his workers, and his community. A bear of a man with a heart as big as the Capitol dome. He had the capacity to love like most others do not have. He has his name on a highway, as Senator Mellow put so well, and that is a remarkable monument to his persistence and hard work. But he left behind something even more lasting - a rock solid reputation; that good name that I referred to that he has given to his family and that they carry on so well.

Jim Ross focused on jobs at a time when the future of western Pennsylvania was very much in doubt. My, oh my, how he truly represented the working person in western Pennsylvania. He was the epitome of dedication, persistence, and hard work to bring about legislation that was fair, that was balanced, but that would create jobs in the most difficult, depression-ravaged area of our State, western Pennsylvania. And, yes, he was willing to be fair and he worked with business as well as with labor. He worked hard, I remember, on the unemployment compensation reform bill several years ago, an issue that was as difficult then as workers' comp has become for us now. And it was not because it was politically trendy, but it was

because his area badly needed leadership to help spur recovery, and he would not give up until that took place.

I enjoyed his company very much. We had fun just playing golf or kidding around, and he always referred to me as choo-choo, because I came from a railroad town, and he said, now, do not try to railroad any legislation through, when we became the Majority party in the Senate.

He was true to his party, he was true to his principles, but he was also able to build bridges of cooperation to get the work done he felt important for his district and the people he represented. He had friends everywhere. He could truly forge coalitions as well as anybody I have ever seen in this body. And he was not afraid to stand up to unpopular causes that some people felt, well, how can you do this? You are betraying this person or you are betraying that. Jim Ross knew that there comes a time to stand up, stand tall, and put partisanship aside and do the right thing. And Jim Ross did the right thing far, far more often than many people have had the opportunity to do. He truly represented that constituency and wanted to see that district in northwestern Pennsylvania come back, come back to the way it once was. Maybe never again will we see the steel mills the way they were. He understood that, but he also felt that there was a way to bring jobs into that area, and that was, frankly, by working hard and dedicating his life to the people up there.

His trademark voice--and it was a boomer, we all heard it, deep and commanding--his big heart, and his no-nonsense approach created instant respect. He never did anything to cause people to lose their respect for him. And, again, I do not think there is any question that the hallmark of big Jim's life was his love of family, and I am glad that at least part of his family could be here today, and how much we all enjoyed the almost constant report from Senator Mellow of a new grandchild that was born, and how proud he must have been of each and every one of them, because truly that, too, was his heritage.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, we are having too many funerals lately.

On May 24, 1993, I was privileged to fly with Governor Casey to Senator Ross' funeral Mass at Saints Peter and Paul Church in Beaver to represent the Senate and deliver some remarks. Governor Casey, in his stirring eulogy, referred to Jim Ross as a rich man. He pointed out that he was rich because he had a beautiful family. It was also obvious from the tremendous outpouring from the community that he was rich because he had many loyal friends and devoted followers in that area. I would like to make a part of this record and share with my colleagues here today what I was privileged to say on behalf of all of us at that church service in offering our heartfelt sympathy to Mrs. Ross and all the Ross family, and I remember Dottie when she was just a little girl when we came here together back in 1973.

(Reading:)

When Jim Ross retired from the State Senate more than 3 years ago, we praised his 17-year career in the Senate. We said we would miss him, but we wished him a long, enjoyable retirement with his devoted wife, Dorothy, and his many children and grandchildren. Oh, those grandchildren. You were his pride and joy. When the birth of each new grandchild was announced in the Senate, which seemed to be every other week lately, Jim's smile lit up the Senate, beaming with pride and joy. He should have enjoyed more of his golden years at home with his beautiful family, but I guess that was not meant to be.

I came to the Senate with Jim in January 1973, and I am grateful for all the years I was privileged to know him and work with him. Although his body was in the Senate and in Harrisburg for 17 years, his heart was here--meaning in Beaver County--with his family, his community, his people. Senator Jim Ross believed that government was a positive force meant to work for the good of the people, and he dedicated the better part of his life to that belief, helping people.

Senator Jim Ross, despite rising the leadership ladder in the Senate, never forgot where he came from. All of us in the Senate pride ourselves with having some dreams and plans for the people we serve, but I doubt that any of us ever translated those dreams and plans into reality as effectively as Jim Ross did.

You will not find the Senate Journals overloaded with a lot of Jim's rhetoric. That was not his style. If he needed legislation to help a distressed community, to get a bridge repaired or a road built, he would be up and down the aisles working on all of us until the bill was signed, sealed, and delivered. There was no getting Jim off our backs until he got what he wanted. That is the way Jim Ross worked. I think his unique way of doing business stemmed from his working background. He was one of those rare individuals who combined a background of manual labor and good common sense to get a job done in the Senate.

Not many politicians in this country are ever honored by having monuments or roads named after them during their lifetimes, but the toll highway between New Castle and Beaver Falls completed last year bears the name of Jim Ross. Jim conceived of this project as a key to any future hopes of a regional economic revival, and he persisted relentlessly until the project became a reality.

But roads are not the only monuments to his memory. The senior citizens and young children who were uppermost in his mind should appreciate all he did for them. I remember how he brought this whole county together for a meeting to support my child abuse bill in 1974. As a result of his work, we now have one of the finest Child Protective Services Law in the nation.

I can recall a problem we had in the Senate in the 1970s, a problem that required the services of a special Senate panel to resolve. Jim Ross was the man called upon to head that panel. The result was a complete overhauling of the Senate's accounting procedures, procedures which today we take for granted. Also, today nuclear plant operators must immediately notify State and local officials of any radiation releases. This is a consequence of Jim's work with the Pennsylvania Emergency Management Agency in the aftermath of the TMI accident in 1979. From these few examples, I think you can begin to appreciate the impact Senator Jim Ross had on the lives and affairs of all Pennsylvanians.

I could go on and on talking about how effective was this warm, one-of-a-kind man who was cut from the old mold, who earned respect for the title "politician," and who served as an inspiration and fatherly figure for all of us in the State Senate. Pure and simple, he was a down-to-earth person and a good family man, a fatherly figure and a good friend.

I sincerely believe that the words of William Ellery Channing fit Jim Ross better than anyone whom this 19th century author could have had in mind. Channing wrote, and I quote, "The greatest man is he who chooses the right with invincible resolution, who resists the sorest temptations from within and without...who is calmest in storms and whose reliance on truth...and on virtue...and on God is the most unflinching."

Senator Jim Ross, you were truly a great man. It was our good fortune to know you. We will all miss you very much.

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

Senator BODACK. Mr. President, you know, it is one of the easiest tasks in the world for any Member of this body to rise for the purpose of saying something good about Senator James Ross. Those of us who had the honor of serving with Jim Ross during his 17 years in the State Senate would certainly not be surprised to hear the same things said by those who had the similar honor of serving with Jim Ross during his 12 years in the Beaver County courthouse or, likewise, before that, as a member of the construction labor union, or as a steelworker, or as a coal miner, or even his Coast Guard shipmates from World War II. He would not be surprised to hear the same things being said today by those people because Jim was always defined not by his office or position but as the person he was. He was a great big rumped, grumpy bear of a man with a big soft heart that had a space in it for anyone whom he ever met, and every cause that needed his attention got the same treatment.

We would, therefore, first think of Jim not as a great Senator but as a great person. But he, in fact, was also a great Senator. One need only review a few of the causes he championed as a Member of this body - his legislation to provide for low-interest home mortgages, legislation to establish the Office of Consumer Advocate, the Local Economic Revitalization Tax Assistance Act, reform of the Senate spending guidelines, bills to protect consumers from bearing the costs of nuclear power plant failures, legislation to require the use of American-made steel in all public works projects in Pennsylvania, legislation to protect rape victims from harassment in the courts, legislation to establish property tax and rent rebates for senior citizens, bills to control the disposal of hazardous wastes, voter registration by mail, legislation to prohibit insurance companies from denying auto insurance on the basis of sex, marital status, age, occupation, color, race, place of residence, or other factors unrelated to a person's driving record. These are just some of the issues that Jim Ross sponsored or cosponsored and fought for in this Chamber.

As Majority Caucus Chairman, he was instrumental in bringing about the most significant reforms of the Senate rules in this century. His special subcommittee produced revisions to our accounting procedures, centralized our personnel and payroll records, and provided for full documentation and disclosure, measures that were sorely needed and measures that have served us well.

Any one of us would be proud to have the same legislative record as James Ross. He was a great Senator, but one piece of legislation of which he was perhaps more proud than any other also showed that "Jim Ross the man" was much larger than "Jim Ross the politician." When he announced his retirement on January 3, 1990, he stated at his press conference that the 1984 turnpike extension law was probably the highlight of his career. Jim Ross had been working for 40 years, since the 1950s, to get the last link of the Beaver Valley Expressway completed. He finally got the legislation passed in 1984, but it

was not until 1991 that the construction was ready for an opening ceremony. And at that dedication, Jim Ross smiled and said, I was not sure if I was going to live long enough to see this day, and the highway dedicated that day was named the James E. Ross Highway, as a result of legislation sponsored by our President pro tempore, Senator Mellow. So it was a great event for Jim Ross. He finally saw his highway completed after 40 years, and it was being named after him.

But back in April of 1990, when Senator Mellow introduced a bill to name the highway after Jim Ross, there was another legislator, a Member of the House of Representatives, who had already introduced a bill to name the highway the Richard E. Rentz, Senior, Memorial Highway, after the former owner of the New Castle News and the former chairman of the Beaver Valley Expressway Association who was recently deceased. The news media contacted the now-retired Jim Ross about the competing legislation to name the highway, the most personally prized object, of course, of Jim Ross' Senate career. Jim Ross said to the reporters, my first choice would be to name the highway after Rentz. And more than anything else, I think that tells us what kind of person Jim Ross was.

Those of us who had the privilege to know him personally may miss him more than others, but in reality, everyone will miss him because of what he stood for and because of who he was - he was a great big rumped, grumpy bear of a man with a big, soft heart.

Thank you.

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

Senator FISHER. Mr. President, when I was first elected here to the Senate of Pennsylvania, even though I had served in the House of Representatives for 6 years, to the best of my recollection, I had never met Jim Ross. But I came over here and I met that big bear of a man for the first time, if it was not here on the floor of the Senate at least on the day that I was sworn in in 1981. It was shortly thereafter that Jim served as a Member of the committee I chaired at that time, the Committee on Environmental Resources and Energy. And really, as I found has been so frequent during my 18 years here in Harrisburg, both as a Member of this Chamber and as a Member of the House of Representatives, those of us who serve from western Pennsylvania have always been able to develop certain friendships, certain good friendships that tie us all together because we are from the western corner of the State. And the relationship that I developed with Jim Ross was one that I will cherish as a result of that, whether it was a relationship that was developed here or whether it was a relationship that was developed back home; whether it was in meetings with friends or whether it was an occasional visit to a golf course somewhere in western Pennsylvania. I got to know a lot about a person whom I soon came to regard as a friend.

I remember one time Jim got mad at me about something, I do not remember what the exact issue was, but it was over a very partisan battle that you run into around here every once in a while. He got mad at me and I think he stormed out of the meeting, and I did not know what it was all about, quite frank-

ly, but within 15 minutes, Jim Ross came back to my office to tell me that he was sorry he got mad at me, and that is what kind of person he was, and that is what kind of person I remember him as.

I remember Jim, as so many others have said, as a great family man, a tremendous family man who always talked about his family, but I also remember him perhaps just as much as somebody who was so proud of his heritage from Beaver County. After his family, I think it was what he did in Beaver County that made Jim Ross so proud. Beaver County is a county that is tucked away in that southwestern corner of the State that many people who are here in the Senate have never even traveled through unless it was on their way to Ohio, but Jim was very proud of what he did. And I had the occasion one time to talk to him, it was not too long ago, maybe around 1988, and I told him about an experience I had. I was out at the Beaver County ice rink with my son, and I told him what a nice facility that was. Well, that is all I really had to say because I knew what the response would be because the plaque on the wall at the Beaver County facility contained Jim Ross' name. It was a facility that was built during the time when Jim was the chairman of the board of the county commissioners. Jim told me how proud he was of that facility, of being able to have a facility of that stature built in his hometown for the kids not only from my area who were playing hockey down there on occasion, but particularly for the children from Beaver County whom he represented.

I think I would categorize my recollection of Jim in two words, and how many others referred to Jim - he was just a good guy. Jim, we will all miss you, and I will certainly miss you just as many others will, but I am certainly very happy that I had a chance to know you a little better than obviously how I knew you when I got here and to be able to remember some of the things that you taught me about politics and government and life.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, Pappy Ross was very close to me and I would kind of like to grow up and be just like him. And when I say that, I mean it very sincerely, that when I leave here, I hope people feel the same way about me as they did about Jim Ross, in that whether we agreed or disagreed, I never lied to you, and I would like to find a person who could say that he lied to them. With Jim Ross, you never had to guess where you stood. I mean, it was right there, right out in front of you, and Pappy was one of those people who did not mince words.

I can tell you that one of the reasons there are about 400,000 more Democrats in Pennsylvania than there are Republicans is because of people like Jim Ross, with 9 kids and 20-some grandchildren. I want to tell my good friend, the gentleman from Blair, Senator Jubelirer, that every one of those grandchildren and those kids were registered to vote as a Democrat the day they were born. There was a "D" put on them somewhere before they left the hospital. Jim was proud

of that, he was proud of his family, he was proud of his heritage, and he was proud of the fact that he was a Democrat.

I can tell you that I have inherited the legacy from Jim to make sure that the gentleman from Lackawanna, Bob Mellow, does not get too relaxed, because you know he is just a little too meticulous. Senator Mellow is one of those people who keeps everything straight on his desk. I would go in and put my fingerprints all over the glass and Jim Ross would eat a sandwich and would have breadcrumbs all over the floor, and we were the scourge of Senator Mellow's office, let me tell you.

Whenever you would deal with Jim Ross, you did not have to have him give a speech, because let me tell you something, when he wanted something, he went up and down those aisles and you had better be prepared because he was relentless. He would not give up until you agreed with what he wanted, and if he had a bill that he wanted, you had better believe that you were going to be pressured until it was signed, sealed, and delivered. That is what happened with the Beaver Valley Expressway, and that is what happened with a number of other things.

I think most people do not realize the outstanding accounting system, and not just outstanding in the sense of it being good procedurally, they are ethically strong standards that we have here in the Senate. Back in the '70s when things were just a little different and there were problems and there was a special committee formed, Jim Ross was given the responsibility to handle that particular aspect of what we were moving forward and going ahead here in the Senate, and the procedures that we take for granted today to keep us all out of trouble came from Jim Ross, a person who combined not a doctorate degree from Harvard or an accounting degree from Duquesne but it was the good things in life - how you live properly and how you do things properly and use common sense and you are honest - and that is what developed here in the Senate, and today we have those types of procedures because of him.

He was a tremendous person to have on your side, but, boy, he could really be tough if he was not on your side. One time I had the occasion of having lunch in my office and one of his fellow friends from Beaver County happened to be in there and I almost got thrown out of my own office because of the fact that this guy was there. So he could be very fierce, and that is what gets you through life. You have to be friendly and you have to be able to compete, you have to have positions that you stand for, and I believe that in Jim Ross we witnessed somebody who epitomized all those things, all the good things that people have and they bring with them into this business. And the real secret of Jim Ross was that he was here for a long time and he did not forget them. When he left, he took with him exactly the same standards he brought with him that he lived by. He was one tough guy, and he was honest and fair. And those of us who came in and were younger than him, when we leave here, if we have the same kind of attitude and the same kind of thoughts about ourselves that we feel about Jim Ross, I do not think there is anything else we could ask

for, I do not think there is anything else we could leave. I do not care how many words you say, but when you have the respect of the people you work with, there is nothing else. And, Jim, thanks.

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

The PRESIDENT. All those in favor of the adoption of this resolution will please stand for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of the Honorable JAMES E. ROSS.)

The PRESIDENT. The Chair declares the resolution unanimously adopted, and this memorial service is concluded.

COMMUNICATIONS FROM THE ACTING GOVERNOR

RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communications in writing from the office of His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

June 17, 1993

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

In accordance with the power and authority vested in me as Acting Governor of the Commonwealth, I do hereby recall the nomination dated March 26, 1993 for the reappointment of Paul A. Weaver, 1072 Sunset Drive, Clarion 16214, Clarion County, Twenty-first Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

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

MARK S. SINGEL
Lieutenant Governor,
Acting Governor

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

June 17, 1993

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

In accordance with the power and authority vested in me as Acting Governor of the Commonwealth, I do hereby recall the nomination dated March 26, 1993 for the reappointment of John C. Schmidt, 511 Shady Dell Road, York 17403, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until December 1, 1998, and until his successor is appointed and qualified.

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

MARK S. SINGEL
Lieutenant Governor,
Acting Governor

HOUSE MESSAGES

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 **SB 1**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS 213, 718 AND 1261

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 213**, **HB 718** and **HB 1261**.

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL 878

The Clerk of the House of Representatives informed the Senate that the House has concurred in the amendments made by the Senate by amending said amendments to **HB 878**.

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

HOUSE BILLS FOR CONCURRENCE

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

June 17, 1993

HB 1003 -- Committee on Judiciary.

HB 1097 and **HB 1099** -- Committee on State Government.

HB 1280 -- Committee on Environmental Resources and Energy.

HB 1281 -- Committee on Law and Justice.

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:

June 17, 1993

Senators SCANLON, JONES, MUSTO, SALVATORE, REIBMAN, DAWIDA, MELLOW, SHAFFER, FISHER and SHUMAKER presented to the Chair **SB 1229**, entitled:

An Act amending the act of August 14, 1963 (P. L. 1082, No. 464), entitled "Home Improvement Finance Act," further providing for mandatory contract items and for finance charge limitation.

Which was committed to the Committee on BANKING AND INSURANCE, June 17, 1993.

Senators BAKER, WENGER, PUNT, HELFRICK, MOWERY, CORMAN, BRIGHTBILL, JUBELIRER, ARMSTRONG and SHUMAKER presented to the Chair **SB 1230**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," excluding political subdivisions from the act; authorizing optional prevailing wage ordinances; and making repeals.

Which was committed to the Committee on LABOR AND INDUSTRY, June 17, 1993.

Senators HELFRICK, SHAFFER, SHUMAKER, HART and MADIGAN presented to the Chair **SB 1231**, entitled:

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), entitled "Hazardous Sites Cleanup Act," further providing for requirement of certain agricultural studies prior to operation of a hazardous waste treatment facility.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 17, 1993.

Senators RHOADES, HELFRICK and SHAFFER presented to the Chair **SB 1232**, entitled:

An Act placing a moratorium on the construction of contaminated soil incinerators; and establishing a commission to study the effects of contaminated soil incinerators on public health, the environment and the economy.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 17, 1993.

Senators BRIGHTBILL, WENGER, JUBELIRER, HELFRICK, MADIGAN, SHAFFER and MOWERY presented to the Chair **SB 1233**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," further defining "public body."

Which was committed to the Committee on LABOR AND INDUSTRY, June 17, 1993.

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

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," providing for applicability of certificate of need requirements to certain teaching hospitals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 17, 1993.

Senators GREENLEAF, SALVATORE, PECORA and FATTAH presented to the Chair **SB 1235**, entitled:

An Act making an appropriation to the Zoological Society of Philadelphia.

Which was committed to the Committee on APPROPRIATIONS, June 17, 1993.

Senators SCHWARTZ, REIBMAN, FATTAH, AFFLERBACH, STOUT and RHOADES presented to the Chair **SB 1236**, entitled:

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

Which was committed to the Committee on EDUCATION, June 17, 1993.

Senator ANDREZESKI presented to the Chair **SB 1237**, entitled:

An Act amending the act of March 10, 1992 (P. L. , No. 1A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992," further defining a project.

Which was committed to the Committee on APPROPRIATIONS, June 17, 1993.

Senator ANDREZESKI presented to the Chair **SB 1238**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," further providing for the repair obligations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 17, 1993.

Senator TILGHMAN presented to the Chair **SB 1239**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," further providing for certain self-employed claimants.

Which was committed to the Committee on LABOR AND INDUSTRY, June 17, 1993.

June 21, 1993

Senators BRIGHTBILL, JUBELIRER, FISHER, SALVATORE, HELFRICK, MOWERY and WENGER presented to the Chair **SB 1240**, entitled:

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

Which was committed to the Committee on EDUCATION, June 21, 1993.

Senator LINCOLN presented to the Chair **SB 1241**, entitled:

An Act amending the act of July 6, 1988 (P. L. 487, No. 82), entitled "Abandoned Mine Subsidence Assistance Act," extending the expiration date.

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

Senators AFFLERBACH, JONES, WILLIAMS, LAVALLE, LEWIS, MUSTO, BELL, STAPLETON, PECORA,

O'PAKE and RHOADES presented to the Chair **SB 1242**, entitled:

An Act establishing a program to ensure independent living by persons with disabilities; establishing the Office of Disability Services within the Department of Public Welfare; and further providing for the powers and duties of the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 21, 1993.

GENERAL COMMUNICATION

RESOLUTION OF THE STATE OF DELAWARE

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

DELAWARE STATE SENATE
137TH GENERAL ASSEMBLY

June 16, 1993

SENATE CONCURRENT RESOLUTION NO. 41

Wishing a speedy recovery to Pennsylvania Governor Robert P. Casey after successful heart and liver transplant surgery.

WHEREAS, the members of the General Assembly have been informed by the media that Gov. Robert P. Casey of Pennsylvania has undergone successful liver and heart transplant surgery and is recuperating at the University of Pittsburgh Medical Center; and

WHEREAS, Governor Casey, chief executive of Delaware's neighboring Commonwealth of Pennsylvania, suffered from amyloidosis, a rare life-threatening disease which was destroying his heart and liver; and

WHEREAS, Governor Casey is only the second amyloidosis sufferer to undergo the double transplant, which doctors say was "essentially flawless"; and

WHEREAS, Governor Casey has many friends and acquaintances in Delaware who are rooting for his full recovery; and

WHEREAS, Delaware and Pennsylvania share an intertwined history, with Delaware originally referred to as the lower three counties of Pennsylvania;

NOW THEREFORE;

BE IT RESOLVED by the Senate of the 137th General Assembly of the State of Delaware, the House of Representatives and the Governor concurring therein, that Gov. Robert P. Casey of Pennsylvania is hereby extended heartfelt best wishes for a speedy recovery from his transplant surgery.

BE IT FURTHER RESOLVED that the representatives of the people of Delaware join the Governor's wife, Ellen, and other members of the Casey family in praying for his speedy recovery.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Senate Concurrent Resolution be forwarded to Governor Casey upon its adoption.

SPONSOR: Sen. McDowell, on behalf of all Senators; Rep. Clark, on behalf of all Representatives.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator John E. Peterson as a member of the Primary Health Care to Medically Underserved Areas Advisory Committee.

Mr. Frank J. Concannon to serve on the Board of Directors of the Lawyer's Trust Account Board.

BILLS SIGNED

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

HB 213, HB 718 and HB 1261.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent is given for the following committee meetings to occur during today's Session: the Committee on Appropriations to consider House Bills No. 2752, 696, 697, 698, 699, 1009, 1010, 1709 and Senate Bills No. 244, 678, 955, 1061, 1099, 1190, 1193, and 926; the Committee on Environmental Resources and Energy to consider Senate Bill No. 1241; the Committee on Transportation to consider Senate Bill No. 1227; the Committee on Rules and Executive Nominations to consider Senate Bills No. 687, 692, 323, certain nominations, and Senate Resolution No. 7; the Committee on Labor and Industry to consider Senate Bill No. 855; the Committee on State Government to consider House Bill No. 816; and the Committee on Law and Justice to consider House Bills No. 103 and 1281.

RECESS

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

Senator LINCOLN. Mr. President, we are going to recess for caucuses of both the Democrats and the Republicans. Prior to the caucuses, I would ask first that the meeting of the Committee on Appropriations be held in the Rules room at the back of the Chamber, and immediately upon the conclusion of that, we would recess for a caucus that will be held in the Majority Caucus Room on the first floor. I would suspect that we will be ready at 6 o'clock in the Democratic Caucus to proceed with the Calendar. I would hope that we could get back. We do have a lengthy Calendar and we will run it as marked this evening, so the quicker we get back to the floor, the quicker we can get that done this evening. There are several bills on there that I think are going to take some discussion. But just for purposes of information, that is the only reason I say that.

So immediately upon the recess, I would ask for a meeting of the Committee on Appropriations to be held in the Rules room.

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

Senator JUBELIRER. Mr. President, if I understand it, my colleague, the gentleman from Fayette, Senator Lincoln, is asking the Democrats to go to caucus immediately upon the recess of the meeting of the Committee on Appropriations in the Rules room, and we would join with him in asking that the Republicans report to the second floor caucus room immediately upon the conclusion of the meeting of the Committee on Appropriations. I am sure there will be a call. We have a full

Calendar to caucus on, but we will try to expedite the matter as quickly as possible.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations to begin immediately in the Rules room at the rear of the Senate Chamber, followed by Democratic and Republican caucuses, the Senate will stand in recess.

AFTER RECESS

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

COMMUNICATIONS FROM THE ACTING GOVERNOR TAKEN FROM THE TABLE

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

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

June 17, 1993

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

In accordance with the power and authority vested in me as Acting Governor of the Commonwealth, I do hereby recall the nomination dated March 26, 1993 for the reappointment of Paul A. Weaver, 1072 Sunset Drive, Clarion 16214, Clarion County, Twenty-first Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

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

MARK S. SINGEL
Lieutenant Governor,
Acting Governor

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

June 17, 1993

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

In accordance with the power and authority vested in me as Acting Governor of the Commonwealth, I do hereby recall the nomination dated March 26, 1993 for the reappointment of John C. Schmidt, 511 Shady Dell Road, York 17403, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until December 1, 1998, and until his successor is appointed and qualified.

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

MARK S. SINGEL
Lieutenant Governor,
Acting Governor

NOMINATIONS RETURNED TO THE OFFICE OF THE GOVERNOR

Senator LINCOLN. Mr. President, I move that the nominations just read by the Clerk be returned to the office of His Excellency, the Governor.

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

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fattah, Senator Andrezeski, and Senator Williams.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fattah, Senator Andrezeski, and Senator Williams. Senator Williams is on legislative leave. We shall transfer that to temporary Capitol leave.

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

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

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

YEAS—36

Afferbach	Fattah	Mellow	Robbins
Andrezeski	Fisher	Mowery	Salvatore
Armstrong	Fumo	Musto	Scanlon
Belan	Helfrick	O'Pake	Schwartz
Bell	Jones	Pecora	Stapleton
Bodack	LaValle	Porterfield	Stewart
Bortner	Lewis	Punt	Stout
Corman	Lincoln	Reibman	Tilghman
Dawida	Madigan	Rhoades	Williams

NAYS—0

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

RECONSIDERATION OF EXECUTIVE NOMINATIONS

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

Senator FISHER. Mr. President, I move that the vote by which the recalls were honored be reconsidered.

The PRESIDENT. Senator Fisher moves that the vote by which the recalls were honored be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the motion to return the nominations to the office of the Governor?

REQUEST FOR RECESS

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

Senator FISHER. Mr. President, I move that the Senate stand in recess until 9:50 p.m.

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

Senator LINCOLN. Mr. President, I oppose the motion to recess. We had a 9 o'clock starting time, and I oppose the motion and ask for an immediate roll-call vote on it.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair would first recognize the presence on the floor of Senator Andrezeski, Senator LaValle, Senator Stout, and Senator Madigan. Their temporary Capitol leaves and legislative leaves will be cancelled.

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

The PRESIDENT. Senator Fisher has moved for a recess of the Senate until 9:50. Senator Lincoln opposes the motion.

Senator LINCOLN. Mr. President, I would ask for a roll-call vote on this, please.

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

(During the calling of the roll, the following occurred:
Senator DAWIDA. 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 FISHER and were as follows, viz:

YEAS—24

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

NAYS—24

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

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

The PRESIDENT. The motion fails, and the Senate can proceed with its business, at 9:49.

And the question recurring,
Will the Senate agree to the motion to return the nominations to the office of the Governor?

A voice vote having been taken, the question was determined in the affirmative.

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

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR

NONPREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL REREFERRED

SB 759 (Pr. No. 1354) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

Senator LINCOLN. Mr. President, I move that Senate Bill No. 759 be rereferred to the Committee on Appropriations.

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

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, Senator Lewis has been called to his office for an important meeting and I would request a temporary Capitol leave.

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

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

A voice vote having been taken, the question was determined in the affirmative, and the bill was rereferred to the Committee on Appropriations.

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

BILL OVER IN ORDER TEMPORARILY

SB 691 (Pr. No. 1291) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1993-1994.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 691.

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

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

Senator TILGHMAN. Mr. President, on the motion to concur in House amendments to Senate Bill No. 691, I would ask my colleagues for a negative vote on this motion. This capital budget bill includes money to buy back from the counties the prisons that were recently built in the Commonwealth. Those prisons were built for about--let me be accurate on this--\$411 million, and this legislation would use 805 million dollars' worth of bonds to buy back something that cost \$411 million. On May 10, I wrote to Governor Casey requesting an explanation as to why the buyback price of these prisons has been doubled, and I received an answer on May 25 from Secretary Hershock that did not answer the questions that I asked in my letter. I then wrote, on June 7, to Secretary Hershock. I have not received an answer, and today we sent a letter to Attorney General Preate suggesting that this legislation was inappropriate and, indeed, illegal. Until we can get the answers of the costs to these prisons and why the costs have suddenly doubled, I would request a negative vote on the motion to concur.

Senator JUBELIRER. Could we be at ease, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

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

Senator LINCOLN. Mr. President, I move that we go over Senate Bill No. 691 temporarily.

The PRESIDENT. Senator Lincoln asks that we go over Senate Bill No. 691 temporarily. Without objection, we will take that bill over temporarily.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILLS ON FINAL PASSAGE, DEFEATED

SB 1016 (Pr. No. 1472) -- 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 fees paid by health care providers; and further providing for the review of financial solvency of insurers.

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--24

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

NAYS--24

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

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

HB 1422 (Pr. No. 1573) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further defining "insurer."

On the question,
Shall the bill pass finally?

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

Senator LINCOLN. Mr. President, I would ask that House Bill No. 1422 be called up for a vote, and I would ask for a positive vote.

MOTION TO PASS OVER

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

Senator JUBELIRER. Mr. President, I move that House Bill No. 1422 go over in its order.

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 negative vote.

The PRESIDENT. Senator Jubelirer moves that House Bill No. 1422 go over in its order.

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

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

YEAS—24

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

NAYS—24

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

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

And the question recurring,
Shall the bill pass finally?

MOTION TO RECONSIDER BILL

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

Senator JUBELIRER. Mr. President, I move that the vote by which House Bill No. 1422 was moved to final passage be reconsidered and that the bill revert to third consideration so that the gentleman from Centre, Senator Corman, might have an opportunity to offer an amendment to House Bill No. 1422.

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 would oppose that motion and ask for a negative vote.

The PRESIDENT. Senator Jubelirer moves that the vote by which House Bill No. 1422 passed on third consideration be reconsidered.

Senator JUBELIRER. Mr. President, is it my understanding that the gentleman from Fayette, Senator Lincoln, is opposed

to moving this to third consideration so that a Member of this Senate can offer an amendment?

Senator LINCOLN. Mr. President, that is as clear and as succinct as you can get it.

Senator JUBELIRER. Mr. President, I request a roll-call vote.

Senator LINCOLN. Mr. President, I have no objection to a roll-call vote.

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

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

YEAS—24

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

NAYS—24

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

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

YEAS—24

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

NAYS—24

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

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

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 625 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 1262 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED

HB 6 (Pr. No. 16) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further defining "police officer" and "police department"; adding a definition; and further providing for powers and duties of the commission, for police training, for penalties and for reimbursement of training expenses.

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER, by unanimous consent, offered the following amendment No. A3313:

Amend Sec. 2 (Sec. 9.1), page 5, line 14, by inserting after "act.": Any campus or university police officer, who as of the effective date of this subsection has not successfully completed a basic training course similar to that required under this act which qualifies the police officer for certification under this subsection shall be able to perform the duties of a campus or university police officer until certified by the commission, but no longer than one year from the effective date of this subsection.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 163 (Pr. No. 2044) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

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—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	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 with amendments in which concurrence of the House is requested.

BILLS ON THIRD CONSIDERATION AMENDED

SB 182 (Pr. No. 1244) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing counties to impose earned income and net profits, personal income or sales and use taxes; providing for the levying, assessment and collection of such taxes; providing for the reduction of real property taxes and other taxes; establishing the Local Government Real Property Tax Relief Fund; providing for the powers and duties of the Department of Community Affairs and the Department of Revenue; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER, on behalf of himself and Senator DAWIDA, by unanimous consent, offered the following amendment No. A3203:

Amend Title, page 1, line 2, by inserting after "taxes;": authorizing school districts to impose earned income and net profit taxes;

Amend Title, page 1, line 4, by inserting after "taxes" where it appears the second time: and for limitations on debt of school districts

Amend Title, page 1, line 6, by inserting after "FUND;": and

Amend Title, page 1, line 7, by inserting a period after "Revenue"

Amend Title, page 1, lines 7 and 8, by striking out "; AND MAKING REPEALS."

Amend Table of Contents, page 1, by inserting between lines 16 and 17:

Section 107. Limitations on the incurring of debt by school districts.

Amend Table of Contents, page 2, lines 28 through 30; page 3, lines 1 through 3, by striking out all of said lines on said pages and inserting:

Section 701. Definitions.

Section 702. Register for personal income and municipal service taxes.

Section 703. Information for register.

Section 704. Availability and effective period of register.

Section 705. Effect of nonfiling.

Section 706. Effect of chapter on liability of taxpayer.

Amend Table of Contents, page 3, line 5, by striking out "REPEALS" and inserting: Applicability

Amend Sec. 102, page 4, line 28, by striking out "Community Affairs" and inserting: Revenue

Amend Sec. 102, page 7, by inserting between lines 26 and 27: "Relative tax effort." The total tax revenues from all sources of a municipality as reported to the Department of Community Affairs, divided by the total tax revenues from all sources from all municipalities in the county.

Amend Sec. 102, page 8, by inserting between lines 2 and 3: "School district." A school district of the first class A, second class, third class or fourth class, including any independent school district.

Amend Sec. 102, page 8, lines 8 through 11, by striking out all of said lines

Amend Sec. 102, page 8, line 20, by striking out "DISTRIBUTED"

Amend Sec. 102, page 8, line 21, by striking out "DISTRIBUTED"

Amend Bill, page 9, by inserting between lines 14 and 15: Section 107. Limitations on the incurring of debt by school districts.

(a) Limitation.—Except as provided in the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, no school district of the second through fourth classes shall incur any new nonelectoral debt, if the aggregate net principal amount of such new nonelectoral debt together with all other net nonelectoral debt outstanding would cause the total net nonelectoral debt of the school district to exceed 50% of its borrowing base.

(b) Additional limitation.—Except as provided in the Local Government Unit Debt Act, in the exercise of legislative control over the budgets and expenditures of school districts and of the purposes for which tax moneys and general revenues of school districts may be expended, the General Assembly determines that no school district of the second through fourth classes shall incur any new lease rental debt or nonelectoral debt, if the aggregate net principal amount of such new debt together with any other net nonelectoral debt and net lease rental debt then outstanding would cause the outstanding total of net nonelectoral debt plus net lease rental debt of the school district to exceed 50% of its borrowing base.

Amend Sec. 301, page 9, line 27, by inserting after "county": which levies a tax authorized by this act

Amend Sec. 301, page 10, by inserting between lines 19 and 20:

(c) Municipal exclusions.—No municipality which receives revenue from any of the taxes authorized by this act shall have the power to levy, assess or collect:

(1) A tax based upon a flat rate or on a millage rate on an assessed valuation of a particular trade, occupation or profession, commonly known as an occupation tax.

(2) A per capita, poll, residence or similar head tax.

Amend Sec. 311, page 10, line 28, by inserting before "A": (a) Counties.—

Amend Sec. 311, page 11, line 2, by striking out "392" and inserting: 391

Amend Sec. 311, page 11, by inserting between lines 4 and 5:

(b) Additional authority for school districts.—A school district shall have the power to levy, assess and collect an additional tax on the earned income and net profits of resident taxpayers of the school

district at a maximum rate of 1%. The authority to impose an earned income and net profits tax on residents of a school district under this section is in addition to any earned income and net profits tax authority previously granted to school districts.

(c) School tax reduction.—Whenever a school district levies a tax under this section, school taxes levied within that school district shall be reduced on a dollar-for-dollar basis. Whenever any flat rate tax is reduced or eliminated using revenue from the earned income and net profits tax, the tax that has been reduced or eliminated may not be increased or reinstated without first obtaining approval of the voters in a districtwide referendum. Whenever any tax based on millage rates is reduced using revenue from the earned income and net profits tax, there shall be no subsequent increase in the rate of taxation of the reduced tax in an amount exceeding the annual percent change in the Statewide average weekly wage, without first obtaining approval from the voters in a districtwide referendum. As used in this section, the term "Statewide average weekly wage" means the percent change which shall be determined annually by the Department of Labor and Industry for each calendar year on the basis of employment covered by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, for the 12-month period ending June 30 preceding the calendar year.

Amend Sec. 312, page 11, line 6, by inserting after "county": or school district

Amend Sec. 312, page 11, line 7, by striking out "income"

Amend Sec. 312, page 11, line 7, by inserting after "municipalities": and school districts

Amend Sec. 312, page 11, line 10, by inserting after "Act,": or otherwise by law,

Amend Sec. 312, page 11, line 11, by inserting after "county": or school district

Amend Sec. 312, page 11, line 13, by striking out "income"

Amend Sec. 312, page 11, line 16, by removing the period after "Act" and inserting: , or otherwise by law.

Amend Sec. 321, page 11, line 23, by inserting after "a": maximum

Amend Sec. 321, page 11, line 25, by inserting after "a": maximum

Amend Sec. 331, page 12, line 29, by inserting after "regulations.": The sales tax imposed under this act shall not be paid to the Commonwealth by any person who has paid the tax imposed under Chapter 5 of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, equal to or greater than the tax imposed under this subsection.

Amend Sec. 331, page 13, line 4, by striking out "(C)" and inserting: (d)

Amend Sec. 331, page 13, line 10, by removing the period after "subsection" and inserting: or who has paid the tax imposed under Chapter 5 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, equal to or greater than the tax imposed under either subsection (a) or this subsection.

Amend Sec. 331, page 14, lines 18 through 21, by striking out all of said lines and inserting:

(c) Hotel occupancy tax.—In any county which imposes a tax authorized in subsection (a), there shall be levied, assessed and collected an excise tax at the same rate as imposed pursuant to subsection (d) on the rent upon every occupancy of a room or rooms in a hotel in the county. The tax shall be collected by the operator or owner from the occupant and paid over to the Commonwealth as provided in regulations.

(d) Rate of tax.—The tax authorized by subsections (a), (b) and (c) shall be imposed at a maximum rate of 1% and shall be uniform. A rate of less than 1% shall be imposed in increments of 0.5%.

Amend Sec. 331, page 14, line 22, by striking out "(D)" and inserting: (e)

Amend Sec. 331, page 15, line 24, by striking out "(E)" and inserting: (f)

Amend Sec. 381, page 19, line 8, by inserting after "OF": county or

Amend Sec. 381, page 19, by inserting between lines 9 and 10:
(v) A municipality declared to be distressed under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

Amend Sec. 391, page 20, by inserting between lines 23 and 24:

(5) A school district imposing a tax pursuant to section 311 on a resident who has paid a wage tax on earned income to a city of the first class as a nonresident:

(i) Shall credit that tax payment against any tax imposed by a school district on such income.

(ii) Shall not credit that tax payment against a tax on compensation earned outside the city of the first class or any other income.

Amend Sec. 391, page 20, line 24, by striking out all of said line and inserting:

(b) Foreign tax credit.—

(1) A county imposing a tax under

Amend Sec. 391, page 20, by inserting after line 30:

(2) A school district imposing a tax under section 311 on a taxpayer who is domiciled in this Commonwealth may credit the taxpayer with such percentage of the excess of the tax imposed upon the personal income of the taxpayer by another state or a political subdivision of another state over the personal income tax imposed on the taxpayer under the Tax Reform Code of 1971, as may be determined by the school district.

Amend Sec. 392, page 21, line 2, by inserting after "county": and school district

Amend Sec. 502, page 24, line 15, by striking out "DEPOSIT.—BASIS" and inserting: Deposit basis

Amend Bill, page 29, by inserting between lines 19 and 20: Section 701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Community Affairs of the Commonwealth.

Amend Sec. 701, page 29, line 20, by striking out "701" and inserting: 702

Amend Sec. 702, page 30, line 7, by striking out "702" and inserting: 703

Amend Sec. 702, page 30, line 9, by striking out "secretary" and inserting: chief clerk

Amend Sec. 703, page 30, line 19, by striking out "703" and inserting: 704

Amend Sec. 704, page 30, line 26, by striking out "704" and inserting: 705

Amend Sec. 705, page 31, line 5, by striking out "705" and inserting: 706

Amend Bill, page 31, lines 12 through 19, by striking out all of said lines and inserting:

Section 901. Applicability.

The use tax imposed under the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, shall not be paid over to the Commonwealth by any person who has paid the tax imposed by Subchapter D of this act, equal to or greater than the tax imposed under either section 503(a) or (b) of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

Section 902. Effective date.

This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator JUBELIRER. Mr. President, over the past few months there have been many proposals offered relating to local taxes, and, frankly, a great deal of work done on Senate Bill No. 182, and let me personally express my appreciation to the gentleman from Allegheny, Senator Dawida, the chairman of the Senate Committee on Finance, and to the gentlewoman from Allegheny, Senator Hart, the ranking Republican, and others who serve on that committee for the fine work they have done. Whatever our individual beliefs as to what constitutes real local tax reform, certainly the starting point has almost always been to reduce the relationship between property taxes and school finance. And judging from what we all hear from our constituents, no bill is complete unless it provides relief from rising property taxes to fund schools. Frankly, Mr. President, this bill came out of committee without that in it, and that is what the amendment deals with, which I offer today in cooperation with the gentleman from Allegheny, Senator Dawida, and it puts tax reform as it relates to school districts on center stage. It provides school districts with an alternative to property taxes and nuisance taxes. It gives taxpayers protection against tax increases during the changeover. It further gives added protection against future jumps in property taxes and huge new borrowing that would serve to drive up taxes. This latter protection, which often involves school construction projects, is a longtime goal of my colleague, Senator John Shumaker of Dauphin County. Under this version, the taxpayers would have a say in many decisions over which they have had little control.

The amendment puts the taxpayer's interest first. Wage taxes are traded for property taxes and nuisance taxes. It will be a dollar-for-dollar mandated reduction. No hidden tax increase. Then the amendment works to keep pressure off the property tax. The amendment also clarifies several sections of Senate Bill No. 182 relating to counties and municipalities.

Mr. President, with these changes we bring the bill much closer, perhaps not finally, but at least closer to the taxpayer definition of reform.

Let me say again, Mr. President, I appreciate the efforts of the gentleman from Allegheny, Senator Dawida, to steer this bill through a tough process, to work with me and my staff and with his staff, with the gentlewoman from Allegheny, Senator Hart, and her staff, and others who have a strong interest on this subject. He has made a strong effort to make this a bipartisan measure that is acceptable from both a policy and a political standpoint. I think this amendment represents some significant progress, some of which is here today and some of which will be offered tomorrow as we seek to provide a responsible answer to a long-running and increasingly passionate public debate.

Thank you, Mr. President, for the opportunity to offer these remarks.

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

Senator BELL. Mr. President, I know the hour is late, but there is something wrong in this amendment. This amendment would take away real estate taxes from all classes - corporations, businesses, homeowners, landlords - and replace it with a wage tax. Who pays the wage tax? The working people. Who is going to get part of this tax relief, I ask you?

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

Senator DAWIDA. Mr. President, the gentleman from Delaware, Senator Bell, is absolutely correct in his analysis. That is what happens in tax reform or tax shifting. There are winners and losers, and in this case the winners are people who pay property taxes, and those are the people whom I think we most have to be concerned with at this point, the most beleaguered people in Pennsylvania.

I support this amendment without any illusions that this is anywhere near the end of the process. We have at least 20 or 30 more hurdles to go. The House will take whatever we do and turn it upside down, I am sure. The best I can hope for is that sometime next year we will come back at some point with an agreed-to product. But I find that quite unlikely because for every person in the legislature there is a different concept of what tax reform ought to be. Some want to add taxes to schools, some want to subtract it. We put in a dollar-for-dollar reduction here. That was the gentleman from Blair, Senator Jubelirer's idea, not mine. But I am willing to give on some issues of importance to me because we have to keep this idea of tax reform moving. If you truly believe in it, you have to keep moving along, and this is one way to do it with this amendment.

So I urge that we do this amendment today, we pass the bill tomorrow, and we keep alive the idea that tax reform is possible in Pennsylvania for a little bit longer, and I encourage a "yes" vote on this amendment.

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

Senator HART. Mr. President, I also rise in support of the amendment and I would like to thank the gentleman from Allegheny, Senator Dawida, the Majority chairman of the Committee on Finance, for his efforts, and the gentleman from Blair, Senator Jubelirer, who has been working on this issue for quite a while. When I came in this Session as Minority chairman of the Committee on Finance, I thought that there was a herculean task for us to come up with some sort of tax reform proposal that we could get a majority of the votes for here in the Senate. I think this amendment makes this bill that product, it creates that product, and I would encourage everybody here to support this proposal, which really is a good response to a lot of the things that we have heard throughout our hearings across the State, that one of the major things that we need is some tax relief for the real estate taxpayer, especially in school taxes. So I thank my colleagues for their work on this bill and I encourage a positive vote.

Thank you, Mr. President.

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

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

YEAS—37

Afflerbach	Fattah	Lincoln	Robbins
Andrezeski	Fisher	Madigan	Scanlon
Armstrong	Hart	Mellow	Schwartz
Baker	Helfrick	Mowery	Shaffer
Belan	Jones	Musto	Shumaker
Bodack	Jubelirer	O'Pake	Stapleton
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Punt	Wenger
Corman	Lewis	Reibman	Williams
Dawida			

NAYS—11

Bell	Holl	Porterfield	Stewart
Fumo	Loeper	Rhoades	Tilghman
Greenleaf	Pecora	Salvatore	

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

The PRESIDENT. Without objection, Senate Bill No. 182 will go over in its order, as amended.

HB 185 (Pr. No. 2150) -- 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 prohibited offensive weapons and for limitation on municipal regulation of firearms and ammunition; and providing for summary offenses in connection with amusement rides.

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

AMENDMENT NO. A3082 OFFERED

Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A3082:

Amend Title, page 1, lines 17 and 18, by striking out "AND FOR LIMITATION ON MUNICIPAL REGULATION OF FIREARMS AND AMMUNITION"

Amend Sec. 1, page 12, line 12, by striking out "SECTIONS 908 AND 6120" and inserting: Section 908

Amend Sec. 1, page 12, line 13, by striking out "ARE" and inserting: is

Amend Sec. 1 (Sec. 908), page 13, lines 9 through 12, by striking out all of said lines

Amend Sec. 1 (Sec. 908), page 13, line 26, by inserting brackets before and after "OR" and inserting immediately thereafter: any

Amend Sec. 1 (Sec. 908), page 13, line 27, by removing the period after "PURPOSE" and inserting: , or any firearm designated as an assault weapon, including any firearm which is determined by the Attorney General by regulation to be substantially similar in function and design to such assault weapon, the term assault weapon to include all versions of the following:

(1) Algimec AGM 1 type;

(2) any shotgun with a revolving cylinder such as the Street Sweeper or Striker 12;

- (3) Armalite Ar-180 type;
 (4) Australian Automatic Arms SAR;
 (5) Automat Kalashnikov type semiautomatic firearms;
 (6) Beretta AR-70 and BM59 semiautomatic firearms;
 (7) Bushmaster Assault Rifle;
 (8) Calico M-900 Assault carbine and M-900;
 (9) CETME G3;
 (10) Chartered Industries of Singapore SR-88 type;
 (11) Colt AR-15 and CAR-15 series;
 (12) Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types;
 (13) Demro TAC-1 carbine type;
 (14) Encom MP-9 and MP-45 carbine types;
 (15) FAMAS MAS 223 types;
 (16) FN-FAL, FN-LAR or FN-FNC type semiautomatic firearms;
 (17) Franchi SPAS 12 and LAW 12 shotguns;
 (18) G3SA type;
 (19) Galil type;
 (20) Heckler and Koch HK91, HK93, HK94, MP5, PSG-1;
 (21) Intratec TEC 9 and 22 semiautomatic firearms;
 (22) M1 carbine type;
 (23) M14S type;
 (24) MAC 10, MAC 11, MAC 11-99mm carbine type firearms;
 (25) PJK M-68 carbine type;
 (26) Plainfield Machine Company Carbine;
 (27) Ruger k-Mini-14/5F and Mini-14/5RF;
 (28) SIG AMT, SIG 550SP, SIG551SP, SIGPE-57 types;
 (29) SKS with detachable magazine type;
 (30) Spectre Auto carbine type;
 (31) Springfield Armory BM59 and SAR-48 type;
 (32) Steyr A.U.G. semiautomatic type shotgun;
 (33) Uzi type semiautomatic firearms;
 (34) USAS 12 semiautomatic type shotgun;
 (35) Valmet M62, M71S, M76, or M78 type semiautomatic firearms; and
 (36) Weaver Arm Nighthawk.

Amend Sec. 1 (Sec. 6120), page 14, lines 21 through 30; page 15, lines 1 and 2, by striking out all of said lines on said pages

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, as my colleagues may know, I hope they do, House Bill No. 185 has gone through radical revision in the Committee on Appropriations, gutting the original language of House Bill No. 185 and replacing it with an absolute prohibition on municipalities being able to ban combat weapons, assault weapons. What my amendment would do would be to replace that with the same ban that the city council of Philadelphia just recently enacted, with a 13 to 17 bipartisan support in city council to ban combat weapons, assault weapons, as a specific list of weapons. These are not guns that are used in any way for hunting or for sport, but it would ban them across the State. It very simply does that.

Let me just briefly say that there has been some discussion about whether in fact we should allow Philadelphia to do this. The sponsor of the amendment is intent upon making sure that municipalities, even if they have the courage to move ahead on the banning of assault weapons, are not permitted to do so. I ask my colleagues to consider for at least a moment not just

the position of the NRA, which is clearly intent upon making sure that we do not ban weapons of any kind, and consider some of the actions that we know are going on not just in our cities but around the country, and the fact that some of our colleagues in other States have been courageous, both Republicans and Democrats, to move ahead in the direction we all know is correct, which is to get assault weapons off of our streets. This is, again, not an issue of hunting or sport. All of you know that. Each of my colleagues, Mr. President, know that. This has nothing to do with that. These weapons are already banned for hunting and for sport, and that is not what this is about.

What it is about, Mr. President, is protecting our children and our communities. And if my colleagues are not well informed on this, they should know that there are communities in Philadelphia, there are communities around the country where there are children growing up with the notion of violence as a part of their everyday lives. There are children who, in fact, do not believe that they will live to their 25th birthday, particularly in some of our poor communities where drug dealers have used these weapons as weapons of choice. We have incident after incident in Philadelphia. My own experience when I was with the Department of Human Services, a young 6-year-old by the name of Marcus Yates was killed by a bullet that was not intended for him but was, in fact, intended for some drug dealers across the street, and he was cut down, and the emotion of his parents and his grandparents and of that neighborhood is something that does not make you want to say "yes" to the NRA but instead makes you want to speak out on behalf of the Marcus Yateses who will never see their 7th birthday.

I could go on. Certainly you have read about the recent case of the two police officers in Philadelphia, and I know, Mr. President, there is little attention to this issue, and I am only struck, even though the hour is late, that my colleagues would choose to chat among themselves rather than to actually think about what kind of decision they will be making today, which is not just a slight one.

The PRESIDENT. If the gentlewoman would yield, the Chair is willing to help her attain order at this point.

Would the Members of the Senate please pay heed and would the conversations be held to a minimum on the Senate floor, if you do not mind.

The Chair thanks all the Members for their cooperation. The gentlewoman will proceed.

Senator SCHWARTZ. Mr. President, I will conclude fairly quickly, because clearly I believe that many of my colleagues have already made up their minds on this. They know that this is a decision that is: Do I vote for the NRA? Do I vote with the National Rifle Association and the lobbying that they have done, or should I vote with the children and the families in Pennsylvania? Everyone in this Chamber knows that the citizens of the Commonwealth do not want combat weapons in their neighborhoods. They do not want permission granted to be able to continue the proliferation of these weapons; that, in fact, what they would prefer is for us to stand up and to ban

these particular weapons. There are many gun owners who, in fact, recognize the use of guns in hunting and in sport and even in personal protection but also recognize that there is a difference between an automatic combat weapon that is designed for one purpose and one purpose only, and that is the killing of human beings and that is its only purpose, and that it has no purpose at all in the Commonwealth of Pennsylvania. It certainly has no purpose in the city of Philadelphia or on the streets of my neighborhood, and I would hope that that would be the case for my colleagues as well.

This is not an abstract notion. This is something that is going on every day in this Commonwealth. I ask you to consider this now before we have the kind of tragedy of a Waco, Texas, or of a Stockton, California, where a schoolyard gets shot up or where a McDonald's gets shot up, which is the one thing that has moved State legislatures across the country to take some action. I ask you to take a moment to consider voting for the people of the Commonwealth of Pennsylvania, to think about the victims of crime, to think about the parents and the children who have to live the rest of their lives with the results of guns on our streets. I call for a statewide ban in this amendment because it is truly the best way to go. There are other options, obviously. Another option is to at least allow the courage of the council members in Philadelphia to stand, but I start first, Mr. President, with a ban on these automatic weapons in the Commonwealth of Pennsylvania.

Thank you.

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

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

YEAS—6

Afflerbach	Fattah	Jones	Schwartz
Bortner	Greenleaf		

NAYS—40

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

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?

AMENDMENT NO. A3275 OFFERED

Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A3275:

Amend Sec. 1 (Sec. 6120), page 15, line 2, by striking out all of said line and inserting: air rifles],.], or any firearm designated as an assault weapon, including any firearm which is determined by the Attorney General by regulation to be substantially similar in function and design to such assault weapon, the term assault weapon to include all versions of the following:

- (1) Algimec AGM 1 type;
- (2) any shotgun with a revolving cylinder such as the Street Sweeper or Striker 12;
- (3) Armalite Ar-180 type;
- (4) Australian Automatic Arms SAR;
- (5) Automat Kalashnikov type semiautomatic firearms;
- (6) Beretta AR-70 and BM59 semiautomatic firearms;
- (7) Bushmaster Assault Rifle;
- (8) Calico M-900 Assault carbine and M-900;
- (9) CETME G3;
- (10) Chartered Industries of Singapore SR-88 type;
- (11) Colt AR-15 and CAR-15 series;
- (12) Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types;
- (13) Demro TAC-1 carbine type;
- (14) Encom MP-9 and MP-45 carbine types;
- (15) FAMAS MAS 223 types;
- (16) FN-FAL, FN-LAR or FN-FNC type semiautomatic firearms;
- (17) Franchi SPAS 12 and LAW 12 shotguns;
- (18) G3SA type;
- (19) Galil type;
- (20) Heckler and Koch HK91, HK93, HK94, MP5, PSG-1;
- (21) Intratec TEC 9 and 22 semiautomatic firearms;
- (22) M1 carbine type;
- (23) M14S type;
- (24) MAC 10, MAC 11, MAC 11-99mm carbine type firearms;
- (25) PJK M-68 carbine type;
- (26) Plainfield Machine Company Carbine;
- (27) Ruger k-Mini-14/5F and Mini-14/5RF;
- (28) SIG AMT, SIG 550SP, SIG551SP, SIGPE-57 types;
- (29) SKS with detachable magazine type;
- (30) Spectre Auto carbine type;
- (31) Springfield Armory BM59 and SAR-48 type;
- (32) Steyr A.U.G. semiautomatic type shotgun;
- (33) Uzi type semiautomatic firearms;
- (34) USAS 12 semiautomatic type shotgun;
- (35) Valmet M62, M71S, M76, or M78 type semiautomatic firearms; and
- (36) Weaver Arm Nighthawk.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, briefly, just to explain what this amendment does, it would allow any municipality in the State to ban assault weapons if they should choose to. Again, the specific list of assault weapons, but it would give permission to any municipality to do this. And of course it would then be their option as to whether they would ever want to do such a thing, but it would give them permission to do so.

Thank you, Mr. President.

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

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

YEAS—7

Afflerbach	Fattah	Jones	Schwartz
Bortner	Greenleaf	Lewis	

NAYS—39

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

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?

AMENDMENT NO. A3080 OFFERED

Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A3080:

Amend Title, page 1, lines 17 and 18, by striking out "AND FOR LIMITATION ON MUNICIPAL REGULATION OF FIREARMS AND AMMUNITION"

Amend Sec. 1, page 12, line 12, by striking out "SECTIONS 908 AND 6120" and inserting: Section 908

Amend Sec. 1, page 12, line 13, by striking out "ARE" and inserting: is

Amend Sec. 1 (Sec. 908), page 13, lines 9 through 12, by striking out all of said lines

Amend Sec. 1 (Sec. 6120), page 14, lines 21 through 30; page 15, lines 1 and 2, by striking out all of said lines on said pages

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

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. This amendment would actually delete, in House Bill No. 185, the specific prohibition on municipalities so that it would leave the status of the law as is, which is that it is not particularly clear as to whether, in fact--it does not give specific permission to municipalities, but it does not specifically prohibit municipalities from banning such assault weapons. So it actually leaves it somewhat vague and really maintains the status quo for municipalities in this Commonwealth.

Thank you, Mr. President.

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

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

YEAS—7

Afflerbach	Fattah	Jones	Schwartz
Bortner	Greenleaf	Lewis	

NAYS—39

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

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?

AMENDMENT NO. A3081 OFFERED

Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A3081:

Amend Sec. 1 (Sec. 6120), page 15, by inserting between lines 2 and 3: (c) Applicability.—This section shall not apply to cities of the first class.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, this amendment would specifically allow Philadelphia to do what it has already done, which is to ban a specific list of automatic assault weapons, but it would prohibit other municipalities in the Commonwealth from doing so. So what it would do is instead of what House Bill No. 185 now does, which is prohibit all municipalities and overturn what Philadelphia has chosen to do by a wide majority of their city council--13 out of 17 city council members voted for this--it would allow Philadelphia to go ahead with its ban on automatic weapons but would prohibit any other municipality from banning such weapons.

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

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

YEAS—7

Afflerbach	Fattah	Jones	Schwartz
Bortner	Greenleaf	Lewis	

NAYS-39

Andrezski	Hart	Mowery	Salvatore
Armstrong	Helfrick	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Jubelirer	Pecora	Shumaker
Bell	LaValle	Peterson	Stapleton
Bodack	Lemmond	Porterfield	Stewart
Brightbill	Lincoln	Punt	Stout
Corman	Loeper	Reibman	Tilghman
Fisher	Madigan	Rhoades	Wenger
Fumo	Mellow	Robbins	

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?

AMENDMENT NO. A3124

Senator STEWART by unanimous consent, offered the following amendment No. A3124:

Amend Sec. 1 (Sec. 6120), page 14, line 24, by inserting brackets before and after "LAWFUL"

Amend Sec. 1 (Sec. 6120), page 14, lines 26 and 27, by inserting brackets before "WHEN" in line 26 and after "COMMONWEALTH." in line 27 and inserting immediately thereafter: except as authorized by this title.

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

The PRESIDENT. The Chair recognizes the gentlemen from Cambria, Senator Stewart.

Senator STEWART. Mr. President, House Bill No. 185, as it is presently written, is a result of an amendment that I placed in it in committee, gutting the previous provisions and now addressing the whole issue of gun control. This amendment simply takes my original amendment one step further and makes absolutely certain that no municipality, Philadelphia or anywhere else in the State, can do anything more, create any ordinance or law stricter than State law when it comes to these weapons, and given the vote on the last couple amendments, this is probably almost agreed to, and I would urge an affirmative vote.

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

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

YEAS-44

Afflerbach	Fisher	Loeper	Rhoades
Andrezski	Fumo	Madigan	Robbins
Armstrong	Greenleaf	Mellow	Salvatore
Baker	Hart	Mowery	Scanlon
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Bortner	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout

Corman	Lewis	Punt	Tilghman
Fattah	Lincoln	Reibman	Wenger

NAYS-2

Jones Schwartz

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

The PRESIDENT. Without objection, House Bill No. 185 will go over in its order, as amended.

SPECIAL ORDER OF BUSINESS

SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 185 (Pr. No. 2217) -- 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 prohibited offensive weapons and for limitation on municipal regulation of firearms and ammunition; and providing for summary offenses in connection with amusement rides.

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-45

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

NAYS-2

Jones Schwartz

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.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 242 (Pr. No. 1418) -- 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," further providing for budget procedures by prohibiting certain line items to be transferred to the State Lottery Fund.

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

AMENDMENT NO. A3150 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A3150:

Amend Title, page 1, line 22, by removing the period after "Fund" and inserting immediately thereafter: ; and imposing additional duties on the Department of Corrections.

Amend Sec. 1, page 1, lines 26 and 27, by striking out "a section" and inserting: sections

Amend Sec. 1, page 2, by inserting between lines 17 and 18:

Section 903-B. Community Service Work-Release Program.—The Department of Corrections may establish a program to allow inmates to participate in projects and activities which serve the public good and improve the community at-large. Projects and activities shall include, but not be limited to: litter collection, unskilled construction, renovation, etc. Inmates assigned to the program shall be in good health and shall have sufficient strength to perform the assigned tasks. Inmates shall not be used to replace persons employed in this Commonwealth or independent contractors functioning in this Commonwealth. The Department of Corrections shall promulgate rules and regulations to implement this section.

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

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

Senator RHOADES. Mr. President, what this amendment does is it establishes a program to allow inmates in our correctional institutions to participate in projects and activities which serve the public good and improve the community at large. Projects and activities shall include but not be limited to litter control, unskilled construction, renovation, et cetera. Inmates assigned to the program shall be in good health and shall have sufficient strength to perform the assigned tasks, and inmates shall not be used to replace persons employed in this Commonwealth or by independent contractors functioning in this Commonwealth. The department shall promulgate the rules and regulations to implement this section.

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

Senator LINCOLN. Mr. President, I rise to oppose the amendment for several reasons. One, it does not make any

sense to put this kind of amendment, with all kinds of serious ramifications in it, in a Lottery bill. It is a program to be run out of Corrections. We have a program right now that in the last 6 months of their term an inmate can be put into a work-release program and, unfortunately, because of the concern about the Willie Horton case and a lot of other things that have come out in campaigns that have been run in the past and in incidents that we read about in the paper, and I think it is unfortunate. I am not saying that I agree with that, but I believe this is a program that should be given a great deal of study. The Department of Corrections already has the ability to put these kinds of programs into place.

If you look at the amendment, unfortunately, it is really vague on what we are talking about doing. The gentleman is talking about taking someone who may have been in prison for 10 years for armed robbery, for rape, for any incident, and putting them into a work program where they could go just about anyplace, the way the amendment is written up. I am very sympathetic toward having the ability to get things done for nothing. I am sympathetic to giving a person who made a mistake in their life an opportunity to work on a work-release program.

This amendment frightens me, to be quite honest with you. We are building prisons all over the place. We built one in Somerset. We built one in Erie. We built one in Schuylkill County. We are building one down in Greene County. Where the prisons are at is generally where you are going to see the prisoners work. I think we sold these prisons to people who were very skeptical over a period of time because we were guaranteeing them that we were not going to have the kinds of problems that I can see coming out of this amendment, and I believe that this amendment is very, very serious and it is dangerous, and I would ask for a negative vote.

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

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

When I was district attorney in Lebanon County, we had an incident, and I will not describe it in any detail, but basically what happened was there was an out-work program and the way the program was run, the people who went on this program were not cleared through the district attorney's office, though I believe they were cleared through the court. The one individual asked permission to go to a bathroom and because they only had one guard with several people, they had sent this guy down the street to a bathroom. He took off on his own and walked through an alley, saw an attractive young lady sunning herself, and proceeded to molest her.

This is a very popular kind of thing with a lot of people, and yet the truth is that it is very expensive to administer and it is a very risky business, and I think that there are provisions within the law today that in limited circumstances permit this to occur. So I, too, would join and ask for a negative vote.

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

Senator RHOADES. Mr. President, first of all, we are giving the authority to the Department of Corrections, and if we cannot believe in their particular professionalism, their wanting not to have negative situations, then I think we have lost the essence of what the Department of Corrections is for.

Secondly, when you look at the thousands of dollars which we pay in tax dollars to keep these people incarcerated, with little or nothing to do in very crowded facilities, I think the advantage we have is one way of turning some of these tax dollars back into some useful public activities.

I think the third thing, too, is when you are sitting around, that is when problems begin to foment. I think the opportunity that we give to go out and do a day's work to keep them busy may settle them down and remove some of the hot spots within the program. The other thing, too, is I think we look at prisons as a place to put people, but I think it also should be an area where we give at least some opportunity for some rehabilitation, even if it is self-imposed, to find out that the label we put on these people who commit violent crimes, they should be subjected to jail, but for others, I think these activities are more positive.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, just so no one gets confused with "let us put people to work," that attitude that seems to be very popular, I think the other thing that is less popular is letting people out of prison who should not be out of prison, and the amendment reads, "The Department of Corrections may establish a program to allow inmates to participate in projects and activities which serve the public good and improve the community at-large. Projects and activities shall include, but not be limited to: litter collection, unskilled construction, renovation, etc.," which could mean anything. The important thing to remember in this amendment, it says, "Inmates assigned to the program shall be in good health and shall have sufficient strength to perform the assigned tasks. Inmates shall not be used to replace persons employed in this Commonwealth or independent contractors functioning in this Commonwealth. The Department of Corrections shall promulgate rules and regulations to implement...." It does not say anything in there about whether you have to be a certain category of prisoner, whether you are medium security, minimum security, maximum security, and I can tell you that we have seen a trend over the years of the legislature taking control of some of these issues because we have not had confidence in the bureaucrats who run this system to allow these types of things.

I want to tell you something. I am voting "no" on this amendment. I have a very difficult time debating this issue and making this look as bad as I think it looks because the offerer of this amendment is a friend of mine and somebody for whom I have a great deal of respect, but I think this is one of the most dangerous amendments to the wrong bill without any regulations and any guidelines from us, and I can tell you that this is one of those issues that you better be careful on and not

vote for or against just because it is a D or an R offering it. This is a serious amendment. This is one that I will tell you that of the many things we have dealt with here tonight, I feel more uncomfortable with this and I would be really concerned if this amendment would become part of this bill.

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

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

Senator MELLOW. 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 RHOADES and were as follows, viz:

YEAS—15

Bell	Helfrick	Porterfield	Shaffer
Bortner	Holl	Punt	Stout
Corman	Lemmond	Rhoades	Wenger
Greenleaf	Peterson	Robbins	

NAYS—33

Afflerbach	Fisher	Loeper	Salvatore
Andrezeski	Fumo	Madigan	Scanlon
Armstrong	Hart	Mellow	Schwartz
Baker	Jones	Mowery	Shumaker
Belan	Jubelirer	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Brightbill	Lewis	Pecora	Tilghman
Dawida	Lincoln	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?

AMENDMENT NO. A3146 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A3146:

Amend Title, page 1, line 20, by inserting after "determined," establishing a procedure for developing and voting on a general appropriation bill; authorizing the General Assembly to contract with a private entity to provide revenue projections; and

Amend Sec. 1, page 1, lines 26 and 27, by striking out "a section to read:" and inserting sections to read:

Section 613.1. Procedure for Development of and Vote on General Appropriation Bill.—(a) Following submission of documents and information by the Governor under section 613, the Appropriations Committees of the Senate and the House of Representatives shall conduct hearings, which may be open to the public, to establish appropriation targets for the ensuing fiscal year for each applicant for funds. On or before April 1 of each year, the Appropriations Committees, using the most accurate available revenue estimates, shall develop and promulgate a balanced budget for the ensuing fiscal year.

(b) (1) After the Appropriations Committees have promulgated their budget documents, each standing committee of the Senate and the House of Representatives shall conduct hearings, which may be public, to set the amount of the appropriation for applicants for funds

over which it exercises oversight. A standing committee may decrease, but shall not increase, the amount of the appropriation for an applicant for funds established by the Appropriations Committee of the Senate or the House of Representatives, as the case may be. On or before May 15 of each year, each standing committee by majority vote of its members shall determine the appropriation for each applicant for funds over which it exercises oversight. The determination of each standing committee shall be forwarded to the Appropriations Committee of the Senate or the House of Representatives, as the case may be.

(2) In any case where responsibility for oversight does not exist or is in doubt, the Appropriations Committees shall make the determination required by clause (1).

(c) (1) Upon receipt of the determinations of the standing committees, the Appropriations Committees shall cause them to be drafted in the form of separate bills, each containing the determination of the various standing committees and any determinations made by the Appropriations Committees under subsection (b)(2). The Appropriations Committees shall conduct public hearings on the separate bills. If at the time of the hearing the most accurate available revenue estimates reflect a change from the revenue estimates used by the Appropriations Committees under subsection (a), the Appropriations Committees may modify appropriations consistent with the change in revenue estimates. At the public hearings, a bill may be amended; however, an amendment to a bill that proposes an increase in the appropriation for an applicant for funds shall not be considered unless the maker of the amendment proposes an equal, corresponding decrease in the appropriation to another applicant for funds. Each bill shall be approved by a majority vote of the members of the Appropriations Committees.

(2) The Appropriations Committees shall consolidate the individual bills into a general appropriation bill. The general appropriation bill shall be approved by a majority of the respective Appropriations Committees and shall be reported to the floor of the Senate or the House of Representatives, as the case may be, on or before June 1 of each year.

(d) (1) The general appropriation bills shall be considered and voted upon by the Senate and the House of Representatives. The initial vote shall be taken on the general appropriation bill in the form in which it was reported to the floor of the chamber. If the general appropriation bill is not approved when the initial vote is taken, amendments may be offered to the bill. An amendment to the general appropriation bill that proposes to increase an appropriation shall, however, not be considered unless the maker or sponsor of the amendment proposes an equal, corresponding decrease to another appropriation. An amendment shall not be adopted unless it receives the affirmative vote of two-thirds of all members elected to the Senate or the House of Representatives, as the case may be.

(2) A final vote on the general appropriation bills shall be taken by the Senate and the House of Representatives on or before June 15 of each year.

(e) (1) If the general appropriation bill finally passed by the Senate and the general appropriation bill finally passed by the House of Representatives are identical, then either the Senate or the House of Representatives shall consider and vote upon the general appropriation bill finally passed by the other chamber.

(2) If the general appropriation bills finally passed by the Senate and the House of Representatives are not identical, then each chamber shall appoint a committee of conference to consider differences between the two bills. The committee of conference shall:

(i) Concern itself only with individual appropriations where the amount provided for in the Senate general appropriation bill and the House of Representatives general appropriation bill differ. With regard to individual appropriations where the Senate bill and the House of Representatives bill are identical, the committee of conference shall take no action and the amount of the appropriation shall appear unchanged in the report of the committee of conference.

(ii) Where there are differences between individual appropriations in the Senate bill and the House of Representatives bill, arrive

at an amount that is between the amounts set in the Senate bill and the House of Representatives bill.

(iii) Reconcile differences in total appropriations to the various departments between the Senate bill and the House of Representatives bill by agreeing to an amount that is between the amount provided for in the Senate bill and the amount provided for in the House of Representatives bill.

(iv) Consider the most accurate available revenue estimates so that its report results in a budget that is balanced.

(3) The committee of conference shall make its report and the Senate and the House of Representatives shall take a final vote on the report on or before June 30 of each year.

(f) For purposes of this section, the term "applicant for funds" means the General Assembly, Supreme Court, Governor, Lieutenant Governor, administrative departments, boards and commissions and other entities and institutions within this Commonwealth which or who submit requests for funding in a general appropriation bill.

Section 613.2. Revenue Projections by Nonpartisan Entity.—The General Assembly shall enter into a contract with a private, nonpartisan entity to provide revenue and other financial projections to the General Assembly for use by its members in complying with the procedure set forth in section 613.1. State departments shall provide to the entity, upon its request, information required by the entity to make accurate revenue and other financial projections.

On the question,

Will the Senate agree to the amendment?

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

Senator RHOADES. Mr. President, what this amendment does is it establishes a procedure by which membership both in the House and the Senate, through their respective standing committees, would assist in developing and voting on a general appropriation bill. It also authorizes the General Assembly to contract with a private entity to provide revenue projections. What this does, as the Governor submits the budget, it goes through the respective Appropriations Committees of both the House and the Senate. From there, through hearings, they select the line item and the amount that should be with it. That line item is then put into the respective Committees on Education, Health and Welfare, and all the standing committees that we have, where the respective chairmen and committees can hold public hearings on it. They can move the numbers around but never increase the numbers. They must keep all things neutral. From there it would come back to the Committee on Appropriations. From that standpoint, they would hold hearings on the separate areas, move the numbers in. Again, they could never increase the numbers more than what they can be, and they must all be budget neutral. Then it also requires that it come before the Committee on Appropriations in one general bill and sent to us. From there the procedure remains basically the same except the difference, I would say, is that any changes made in the general appropriations bill on the floor must be by a two-thirds vote and must be budget neutral or revenue neutral. That forces us to get some of this done early.

Another thing, too, is when we get into a conference committee we would settle on the differences between the House and Senate numbers. One would never be greater, one would never be less. It would be somewhere in between.

I think the key thing and the reason that I have drafted this amendment is that I would like to see at least the opportunity, as a Member of this Chamber, as I think others would, to be able to participate in the process.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I do not know whether it is just the late hour or not, but when I heard the gentleman from Schuylkill, Senator Rhoades, describe the amendment, I thought he was describing the process that we are under now. I do not see much difference other than there are a couple steps added in that we probably would have to start holding our hearings in committee prior to the Governor giving his pre-budget message in December.

I do not understand the need to do this. We already have standing committees. The system is the same as it has been since the day that the gentleman from Schuylkill, Senator Rhoades, was introduced to this process back in 1980. The Republicans operated the committee system basically the same way we do. They hold public hearings, they come back with reports. The only thing different in this bill than what really happens is I think it is amusing that we would offer something that would say that you need two-thirds vote to change that particular bill on the floor, because I cannot remember the last time a budget has been debated on the floor of this Senate. In my 15 years, I do not know that we ever did a budget bill. I know that if we did, it had to be in the early days of my tenure with the Senator before the gentleman from Schuylkill, Senator Rhoades, got here under Governor Thornburgh. I cannot remember the process being as it was described by the gentleman from Schuylkill, Senator Rhoades, since I left the House. We get bills from the House that are similar to what the gentleman from Schuylkill, Senator Rhoades, describes in his amendment, absent the two-thirds vote, and I do not believe that we have seen a budget come to us from the House that was not so unbalanced. It is so unbalanced sometimes that it is really funny. We end up with three-quarters of a billion dollars out of whack or a billion dollars out of whack because when you offer amendments, it is very difficult to vote against them, even with the two-thirds vote.

I do not understand this amendment being offered to this bill. You know, this is a bill dealing with the Lottery, and I do not understand the amendment. I do not understand the reason for it being offered to this bill. I think that it would absolutely drive us completely nuts and we might never get a budget passed. We might have 18 months before we have a budget.

I would very seriously ask Members on both sides of the aisle to think this vote through, too, like you did the last one, and vote "no" on this amendment.

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

Senator RHOADES. Mr. President, I thank the Majority Leader for his point because he said exactly the reason why when he said the budget has never been debated on the floor. Well, I think I remember back to '81 and '82 when it was.

Since that time it has not been. It is been settled through conference committees with little Membership input. And if one reads the amendment, one would find out that the standing committees hold hearings as they help establish those numbers, and I think that is appropriate because right now only Members who are on the Committee on Appropriations sit in the hearings and ask the questions, not the people who spend most of their time within this particular area.

The other point for the two-thirds basically comes down from the standpoint of moving money around. That would eliminate, after consideration by the standing committees and the Committee on Appropriations, throwing big numbers in or throwing out-of-the-world numbers in, which the Majority Leader was referring to. I think it is a move in the right direction and begins to get everyone, all 48 of the Members, hopefully all 50 of the Members, involved in the process.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I have some very horrendous memories of the 1981 and 1982 budgets. They were probably the two worst budgets that have been passed in my 22 years in the General Assembly, and one of them was so bad that the Majority party, the then new Majority party, would not even allow us to caucus. We were in that room and the bill was run, the vote was called while we were back there talking about that piece of garbage, and it was not formed by a debate on the floor. It was formed by four Republicans - two from the House and two from the Senate - in a conference committee because the Majority in the House and the Senate were controlled by the Republican Party and we had a Republican Governor. I can tell you, you can check the record, when we, the Democrats, were in that room whenever Bill Scranton started to call the roll, and I think we had been back there for 15 or 20 minutes talking about a budget that was immense. But if you look at what came out of that as one of the things that the gentleman from Schuylkill, Senator Rhoades, should be proud of for the record he has established here in his dedication to education, I guarantee you one thing, I do not think he would want to make the 1981 or 1982 budgets 2 years that he would be proud of his involvement if he voted for them, because one year I think we had a \$30 million increase for basic education, and the other year we had none. So those 2 years, if that is the example of what we are going to end up with after this amendment, then I really think you ought to vote "no" on it.

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

Senator BRIGHTBILL. Mr. President, would the gentleman from Fayette, Senator Lincoln, stand for interrogation?

Senator LINCOLN. Yes, Mr. President.

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

Senator BRIGHTBILL. Mr. President, would the gentleman indicate, I believe during his first debate he indicated that he

felt that this amendment would drive us completely nuts. Does that mean the gentleman feels we are partially nuts?

Senator LINCOLN. Mr. President, one of the attributes for running for public office today is I think you would probably be subject to being hospitalized if they tested you, but I am not professional enough to make that judgment. In my case, I know tonight is coming very close to it.

The PRESIDENT. Has the gentleman completed his insightful interrogation?

Senator BRIGHTBILL. Mr. President, I have completed my interrogation, and I notice the gentleman is smiling.

I would just ask for an affirmative vote. I think the point here is we need to do something to get the Membership more involved in the process.

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

Senator PETERSON. Mr. President, would the Majority Leader stand for brief interrogation?

Senator LINCOLN. Mr. President, no.

Senator PETERSON. Mr. President, what was the answer?

The PRESIDENT. The gentleman indicates that he is not interested in further interrogation.

Senator PETERSON. Mr. President, I did not hear what he said. I just heard a noise. I did not hear what it was.

Well, I guess I do not know whether I should feel honored or dismayed, but I will comment on what I thought I heard him say.

In the Majority Leader's earlier comments during his first time up on this issue I thought I heard him say that it was very similar to the process that has always happened here, and I guess my question to him was—and I will answer it—when have the standing committees ever taken a meaningful role in the budget process? I read the Rhoades amendment a few moments ago, and if I understood it correctly, the Committee on Appropriations would assign a certain amount of money to the Department of Health, they would assign a certain amount of money to the Department of Welfare, they would assign a certain amount of money to the education budget, they would assign a certain amount of money to each of the different categories, like economic development. Then the appropriate committees would take that amount of money, after it had been decided by, I suppose it would start out with the Governor's recommendation first and then the Committee on Appropriations coming up with their figures, then those people who work with that issue ongoingly would work those numbers and could massage them, could not increase the total or decrease it, but could have their stamp of approval as a committee on how the economic development dollars should be spent, in their view; how the welfare dollars should be spent, in their view; how the health dollars should be spent, how the transportation dollars should be spent. I have seen many budgets here where chairmen of standing committees who were activists, who really worked at it, were as shocked as the general Membership at how the transportation budget came out, how the education budget came out—not ever year, but some years—because they had never seen the numbers until everybody had seen them.

Now, I personally think we have been making a mistake here. I think there is a lot of talent in this body, and I think people who work on the standing committees have a better understanding of those issues than some of the leaders because they work with them every day. And what is wrong with having the standing committees have input? There are many States that do that. I have been traveling in this country and have observed other States' budget processes where that is exactly what happens. The standing committees get a number from the Committee on Appropriations, they then work on that number and send it back with the same total, but they have worked it to where they think the dollars get the best bang for the buck and best serve the people of the State.

I think the more people you involve in the budget process the better you will design a budget that is not as partisan, that is not like the past budget, but that serves the needs of people and gets the biggest bang for the buck because you are going to listen to the people who have become somewhat specialists in their areas of knowledge and expertise and interest. And if they want to shut it off, this year, in my view, it was a two-Member budget committee. Many years it was six or eight. I do not think that is the best way to serve this State fairly and to serve all parts of this State with the same kind of interest and get the biggest bang for the buck, because no one can be a specialist in all the areas of complex State government. But when you bring the talent from each area together and use it, I think you will have a budget that much better suits the current needs of Pennsylvania and certainly the future.

Senator LINCOLN. Mr. President, listening to the gentleman from Schuylkill, Senator Rhoades, I got this cold chill because I thought this sounded like something that I should recognize or something familiar, and all of a sudden it hit me like a ton of bricks - Congress. The U.S. Congress does this, and they have such a tremendous record. Tremendous. They have only increased the national debt by \$3 trillion over the past 12 years, and I think we ought to copy their system and use this, because that is exactly what you are talking about. I mean, plus the fact that I think it is really wonderful that for 12 years the Republican Party controlled this Senate, did the same thing with the standing committees, and I do not think that they did anything wrong. I think the standing committees were used properly. I think that the record that has been accomplished over the years is not unusual for a deliberative body such as the General Assembly of Pennsylvania. It is one of those things where you have limited resources. We have seen a number of years where there have been severe cutbacks from the Federal government. I do not think that we have done a bad job over the years of passing budgets. There have been times that we have had problems, but if you look around us at surrounding States, they are all still having troubles, and we were able to come out this year with a budget that I do not believe anybody could be critical of. The system may not have been what some of the people in this body wanted, but the final result did not turn out too bad. I think to tamper with it by making these kinds of changes, we could end up like Congress going months and months and months and months with-

out a budget, and when we got one it would be so ugly that you would not even want to take a picture of it. But I want to tell you something, vote "no" on this amendment and you will preserve a good system.

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

Senator PETERSON. Mr. President, I knew he would rise. I knew he would have to comment. In fun.

No, in seriousness, there were just a couple of comments that I wanted to clarify. The Congress of the United States has never had any controls. I do not think that they have ever dealt with an exact amount of money that they could spend, and that is what this bill would do. It would tell a standing committee how much money they have for that area of government and they would maybe change how it is spent, not the total, so we would not be running up deficits.

But I was very glad to hear for the record that it was the Congress, the liberal, free-spending Congress of the United States, that has built the \$3 trillion deficit, because I have heard for years that it was Reagan and it was Bush, and I have been saying all along that it was that liberal, free-spending Congress, and tonight we heard it from the top that it was that liberal, free-spending Congress that built the \$3 trillion deficit, and I am glad now that we are all in agreement and all understand how we built the deficit in this country.

The Rhoades amendment will have nothing to do with building a deficit in Pennsylvania. It is just an amendment that makes more sense.

The PRESIDENT. Without objection, the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, here is a classic example of why I will not be interrogated by the gentleman from Venango, Senator Peterson. What I would say in response to that is that every budget that President Bush and President Reagan introduced to Congress, every one was out of balance the day they introduced them. The day they introduced them, they were out of balance. Congress was in existence for 100 years, 200 years, and we had a quadrupling of the national debt. Sure, you do not want to talk about that. You take the scab off and pus runs out, and that is what we are talking about, the pus of Republican leadership in this country. It is foolish.

The PRESIDENT. Would the gentleman yield for just a minute.

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

Senator BELL. Mr. President, do we not have a rule that a person can only speak two or three times? I think this is the fourth or fifth time that—I know I am half asleep back here, but I can hear him.

Senator LINCOLN. Mr. President, I am going to ask to speak again so that the gentleman from Delaware, Senator Clarence Bell, can object. That is how I get stopped. If you object, I get stopped.

The PRESIDENT. Both gentlemen are correct. Our rules generally permit an individual to speak twice on the floor, without objection.

Senator LINCOLN. And, Mr. President, I believe very clearly you said "without objection."

The PRESIDENT. That is correct.

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

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

YEAS—24

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

NAYS—24

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	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?
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—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	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 present said bill to the House of Representatives for concurrence.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Lewis, who is obviously here and whose temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AMENDED

SB 308 (Pr. No. 1441) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a chancery court; and making conforming and related amendments to existing law.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT NO. A2906

Senator LEWIS, by unanimous consent, offered the following amendment No. A2906:

Amend Sec. 5 (Sec. 813), page 23, by inserting between lines 15 and 16:

(d) Reimbursement.—When regular or other sessions of the Chancery Court are held in facilities provided by counties under this section, reimbursement for actual and reasonable expenses shall be made to the counties from the Chancery Court Fund.

Amend Sec. 5 (Sec. 3135), page 41, lines 10 through 30; page 42, lines 1 through 7, by striking out all of said lines on said pages and inserting:

(d) Nomination to Senate.—Judges of the Chancery Court shall be appointed by the Governor, with the advice and consent of two-thirds of the members elected to the Senate. Senate action on the nominations shall be in accordance with section 8 of Article IV of the Constitution of Pennsylvania.

Amend Sec. 5 (Sec. 3135), page 42, line 8, by striking out "(h)" and inserting: (e)

Amend Sec. 5 (Sec. 3135), page 42, lines 10 and 11, by striking out "eight years" and inserting: 48 months

Amend Sec. 5 (Sec. 3135), page 42, line 13, by striking out "(i)" and inserting: (f)

Amend Sec. 5 (Sec. 3136), page 42, line 20, by inserting a period after "part"

Amend Sec. 5 (Sec. 3136), page 42, lines 20 through 30; page 43, lines 1 and 2, by striking out ", except that:" in line 20 and all of lines 21 through 30, page 42, and all of lines 1 and 2, page 43

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, the amendment is intended to try to make three improvements in the bill which seem to have developed as a consensus from among the supporters of this legislation. The first is to make it clear that in the event there are any expenses incurred by any of the counties during such time as the chancellors are conducting their business in those counties, that the counties will be reimbursed for those expenses by the State. The second is to simply conform the confirmation, the advise and consent provisions of the bill, to current Senate practice, and that is to require a two-thirds con-

firmation approval of the Members of the Senate for the consideration of the judges of this court. And the final change is to require the members of the court to stand for retention election 4 years after first being approved by the Senate, rather than the current language, which extends that time period for 8 years.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 309 (Pr. No. 1442) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a chancery court.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT NO. A3142

Senator LEWIS, by unanimous consent, offered the following amendment No. A3142:

Amend Sec. 1 (Sec. 22), page 7, lines 12 through 30; page 8, lines 1 through 26, by striking out all of said lines on said pages and inserting:

(c) Judges of the Chancery Court shall be appointed to their initial term by the Governor, with the advice and consent of two-thirds of the members elected to the Senate. The Governor shall nominate from a list submitted by the Chancery Nominating Commission one person for each vacancy with respect to which the list of recommendations has been submitted. The appointments shall be made in accordance with the provisions of section 8 of Article IV.

(d) Each judge of the Chancery Court appointed by the Governor under section 22(c) shall hold office for an initial term of four years ending the first Monday of January following the next municipal election more than 48 months following the appointment, subject only to the retirement provisions of this article. At the expiration of the initial term, the judge shall be subject to retention in office as provided in this article.

(e) The provisions of section 22 shall control over the provisions of sections 13 and 15(a).

On the question,

Will the Senate agree to the amendment?

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

Senator LEWIS. Mr. President, these amendments essentially conform Senate Bill No. 309 in the same fashion as we have just done with Senate Bill No. 308.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

AMENDMENT NO. A3154 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A3154:

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

Amend Title, page 1, line 2, by inserting after "Pennsylvania,": further providing for the filling of vacancies in the General Assembly; and

Amend Title, page 1, line 2, by striking out "chancery court" and inserting: Chancery Court

Amend Sec. 1, page 2, lines 12 through 14, by striking out all of said lines and inserting:

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

(1) That section 2 of Article II be amended to read:
§ 2. Election of members; vacancies.

Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the [presiding officer thereof shall issue a writ of] election to fill such vacancy for the remainder of the term shall be held at a special election on the first Tuesday next occurring after 90 days from the date of the vacancy.

(2) That section 1 of Article V be amended and that the article

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?

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

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. I have a feeling that this amendment is not germane. I think when you deal with constitutional questions, you should not be mixing two or three of them in the same bill. I have some strong feelings about that. I really do not have a point of parliamentary inquiry. I have some problems with that, but I am not going to raise them. I would just ask for a "no" vote on the amendment.

The PRESIDENT. Does the Chair understand that the gentleman is not raising a constitutional point of order?

If not, the Chair recognizes the gentleman from Schuylkill, Senator Rhoades, on his amendment.

Senator RHOADES. Mr. President, this does require an amendment to the Constitution of Pennsylvania, which Senate Bill No. 309 is. Very basically and easily, it says that it provides for the filling of vacancies in the General Assembly by saying that the election shall be held at a special election on the first Tuesday next occurring after 90 days from the date of the vacancy. It just sets a time certain for replacements of vacancies in the General Assembly in both the House and the Senate. That is all.

Thank you.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, Senator Bortner and Senator Bodack have been called to their offices and I request temporary Capitol leaves for both.

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—24

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

NAYS—24

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	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, as amended?

AMENDMENT NO. A3156 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A3156:

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

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

Amend Title, page 1, line 2, by striking out "chancery court" and inserting: Chancery Court

Amend Sec. 1, page 2, lines 12 through 14, by striking out all of said lines and inserting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) An initiative or referendum petition, in order to be eligible for certification by the Secretary of the Commonwealth, shall first be signed by 200 registered electors of the Commonwealth, who shall pay an administrative fee not exceeding the fee required by law for the filing of nomination petitions by candidates for public office to be filled by the electors of the State-at-large. If the Secretary of the Commonwealth shall certify that the petition contains the entire text

of the measure; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been submitted to the electors in the previous five years; and that it contains only one subject which is not excluded from consideration under this section, then the Secretary of the Commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary, as determined by the Legislative Reference Bureau, of the proposed measure as such summary will appear on the ballot.

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

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

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

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

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

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

(2) That section 1 of Article V be amended and that the article

On the question,

Will the Senate agree to the amendment?

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

Senator RHOADES. Mr. President, what this amendment does is it authorizes the use of initiative and referendum as powers reserved to the people. Initiative is the power of the people to make laws on their own by placing such measures on the ballot for a popular vote. Referendum is the power of the people to change the repeal laws already passed by the State legislature, also by placing these measures on the ballot for a popular vote. I can go through a number of explanations. The amendments are out there. I can tell you what the procedure is. It is only limited to the State. It is limited to four issues. It requires at least 35 of the 67 counties to provide at least 5 percent of the vote. The issue is that we require even greater petition signatures for an initiative referendum than California does. It is not the same as California, so do not kid yourself into doing that. But it is, I would say, the people's check and balance on the executive, the legislative, and the judicial.

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

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

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

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

YEAS—17

Armstrong	Greenleaf	O'Pake	Robbins
Baker	Hart	Peterson	Shaffer
Bell	Helfrick	Punt	Shumaker
Corman	Holl	Rhoades	Tilghman
Fisher			

NAYS—31

Afflerbach	Fumo	Madigan	Scanlon
Andrezeski	Jones	Mellow	Schwartz
Belan	Jubelirer	Mowery	Stapleton
Bodack	LaValle	Musto	Stewart
Bortner	Lemmond	Pecora	Stout
Brightbill	Lewis	Porterfield	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Salvatore	

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

LEGISLATIVE LEAVE

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

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

Senator LINCOLN. Mr. President, I request that Senate Bill No. 309 go over in its order, as amended.

The PRESIDENT. Without objection, Senate Bill No. 309 will go over in its order, as amended.

BILLS OVER IN ORDER

SB 340, HB 353, SB 519, SB 565, SB 569, SB 601 and SB 661 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILLS ON THIRD CONSIDERATION AMENDED

SB 683 (Pr. No. 1343) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing parole procedures; providing for the powers and duties of the Department of Corrections, the Pennsylvania Board of Probation and Parole and the Pennsylvania Commission on Sentencing; creating the Office of Victim Advocate; providing for work

time and earned time; and amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the Pennsylvania Board of Probation and Parole"; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," further providing for sentencing; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT NO. A3071

Senator LEWIS, by unanimous consent, offered the following amendment No. A3071:

Amend Sec. 103, page 4, line 18, by inserting after "programs": , or any other activity defined by the inmate's prescriptive program,

Amend Sec. 703, page 11, by inserting between lines 7 and 8:

(d) Petition by district attorney.—The district attorney's office in the county in which the offender was sentenced may file a petition with the board recommending that parole be denied based upon information that the offender poses a significant threat to public safety, provided that information supporting the petition was not known at the time of sentencing. The parole board may, in its discretion, order that the offender not be paroled based upon its determination that offender poses a significant threat to public safety.

Amend Sec. 901, page 15, line 30, by striking out "four" and inserting: five

Amend Sec. 1101, page 20, line 11, by removing the colon after "day" and inserting a period

Amend Sec. 1101, page 20, line 11, by inserting a bracket before "And"

Amend Sec. 1101, page 20, line 14, by striking out "imposed by the same court on the same day"

Amend Sec. 1101, page 20, line 17, by inserting a bracket after "offenses."

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 third consideration, as amended?

AMENDMENT NO. A2956

Senator LINCOLN, by unanimous consent, offered the following amendment No. A2956:

Amend Sec. 901, page 15, line 30, by striking out "four" and inserting: five

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE

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

Senator JUBELIRER. Mr. President, Senator Brightbill has been called to his office and I would respectfully request a temporary Capitol leave for him at this time.

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

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

AMENDMENT WITHDRAWN

Senator LINCOLN. Mr. President, amendment A2956 had been included in the amendment of the gentleman from Bucks, Senator Lewis, and it is unnecessary, so I would like to withdraw that and then offer amendment A3210.

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

AMENDMENT NO. A3210

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3210:

Amend Sec. 703, page 9, line 30, by striking out "702(b)" and inserting: 702

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

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

SB 684 (Pr. No. 1344) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for composition of the Pennsylvania Commission on Sentencing; providing for guidelines for high-risk offenders; and further providing for sentencing, for presentence reports and for confinement.

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

AMENDMENT NO. A3118

Senator FISHER, by unanimous consent, offered the following amendment No. A3118:

Amend Title, page 1, line 5, by inserting after "reports": , for appellate review of sentences

Amend Sec. 3, page 4, line 25, by striking out "(b)"

Amend Sec. 3, page 4, lines 25 and 26, by striking out "and the section is amended"

Amend Sec. 3 (Sec. 9721), page 4, lines 29 and 30; page 5, lines 1 through 21, by striking out all of said lines on said pages

Amend Sec. 4, page 5, line 25, by striking out "Section 9732" and inserting: Sections 9732 and 9755(b)

Amend Sec. 4, page 5, line 25, by striking out "is" and inserting: are

Amend Sec. 4, page 6, by inserting between lines 5 and 6: § 9755. Sentence of partial confinement.

* * *

(b) Minimum sentence.—[The] Except for defendants who have been determined to be high-risk dangerous offenders and upon whom the court has imposed a maximum sentence, the court shall impose a minimum sentence of partial confinement which shall not exceed one-half of the maximum sentence imposed.

* * *

Amend Sec. 5, page 6, line 6, by striking out "9756 of Title 42" and inserting: 9756(b) of Title 42 is amended and the section

Amend Sec. 5 (Sec. 9756), page 6, by inserting between lines 9 and 10:

(b) Minimum sentence.—[The] Except for defendants who have been determined to be high-risk dangerous offenders and upon whom the court has imposed a maximum sentence, the court shall impose a minimum sentence of confinement which shall not exceed one-half of the maximum sentence imposed.

* * *

Amend Sec. 5 (Sec. 9756), page 6, line 15, by striking out "and" and inserting: which constitutes a first degree felony or

Amend Sec. 5 (Sec. 9756), page 6, line 26, by inserting after "offender.": In the event that the court determines that the defendant is a high-risk dangerous offender, the provisions set forth in subsection (b) and section 9755(b) (relating to sentence of partial confinement) shall not apply to the high-risk dangerous offender.

Amend Sec. 6, page 6, line 27, by inserting after "Sections": 9757,

Amend Sec. 6, page 6, by inserting between lines 28 and 29: § 9757. Consecutive sentences of total confinement for multiple offenses.

Whenever the court determines that a sentence should be served consecutively to one being then imposed by the court, or to one previously imposed, the court shall indicate the minimum sentence to be served for the total of all offenses with respect to which sentence is imposed. [Such] Except for defendants who have been determined to be high-risk dangerous offenders and upon whom the court has imposed a maximum sentence, the minimum sentence shall not exceed one-half of the maximum sentence imposed.

Amend Sec. 6 (Sec. 9762), page 8, lines 29 and 30; page 9, lines 1 through 10, by striking out all of said lines on said pages and inserting:

(b) County option.—Persons sentenced by a court to a maximum term of imprisonment of two or more but less than five years may be committed to the county jail or prison if the county prison board or other equivalent county prison policy-making entity, with the written consent of the county commissioners, or the equivalent governing authority of the county correctional facility, certifies that there is available bed space in the county jail or prison for such sentenced prisoners. The term of imprisonment referred to herein shall be in accordance with the aggregation provisions of this section.

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 third consideration, as amended?

AMENDMENT NO. A3151 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A3151:

Amend Title, page 1, line 5, by inserting after "sentencing,": for notice to parents or guardians of certain detained children,

Amend Bill, page 4, by inserting between lines 24 and 25: Section 3. Section 6326(a) of Title 42 is amended to read: § 6326. Release or delivery to court.

(a) General rule.—A person [taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall] detaining a child for purposes of questioning, chemical testing, or any other reason shall immediately notify the child's parent, guardian or other custodian of the apprehension of the child and the child's whereabouts before taking the child elsewhere. After such notification, such persons may:

(1) [notify the parent, guardian or other custodian of the apprehension of the child and his whereabouts;

(2)] release the child to his parents, guardian, or other custodian upon their promise to bring the child before the court when requested by the court, unless his detention or shelter care is warranted or required under section 6325 (relating to detention of child); or

[(3)] (2) bring the child before the court or deliver him to a detention or shelter care facility designated by the court or to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment. He shall promptly give written notice, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court.

Any temporary detention or questioning of the child necessary to comply with this subsection shall conform to the procedures and conditions prescribed by this chapter and other provisions of law.

* * *

Amend Sec. 3, page 4, line 25, by striking out "3" and inserting:

Amend Sec. 4, page 5, line 25, by striking out "4" and inserting:

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

Amend Sec. 6, page 6, line 27, by striking out "6" and inserting:

Amend Sec. 7, page 11, line 20, by striking out all of said line and inserting:

Section 8. This act shall take effect as follows:

(1) The amendment of 42 Pa.C.S. § 6326 and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

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

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

Senator RHOADES. Mr. President, what the amendment simply says is that when a person detains a child for purposes of questioning, chemical testing, or any other reason, they shall immediately notify the child's parent, guardian, or other custodian, of the apprehension of the child and the child's whereabouts before taking the child elsewhere after such notification is made. Basically, what I am doing this for is that I have had cases where some kids have been detained and the parents did not know where they were or what was going on. The parents

are requesting that at least notification be made so that they can be there with their child.

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

Senator LINCOLN. Mr. President, I do not know, is it a full moon? Is something wrong with me? This is a sentencing and parole bill. It is a very serious bill that has been worked on by a lot of people and it is very badly needed. I do not understand how this amendment would have anything to do with this particular issue, and I am just baffled by the amendment and I would ask for a "no" vote.

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

Senator JUBELIRER. Mr. President, it is now, I guess, about a quarter, almost 10 minutes of 12:00, and I know the hour grows late and a lot of us, I am sure, would rather be someplace else, but I think any member who offers an amendment here deserves to be taken seriously. I think the gentleman from Schuylkill, Senator Rhoades, spent some time preparing this amendment, he offers it in a serious vein, and it should be taken that way. If the gentleman wishes to oppose it, that is his right, but at least I think he deserves the respect of the Members here for what he is trying to do.

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

Senator LINCOLN. Mr. President, did I say something wrong? I said the amendment has nothing to do with the intent of the bill. This sentencing bill has been dealt with for quite some time, and it baffles me how anyone can offer an amendment of this type to something of this nature. I do not do that out of disrespect to the gentleman from Schuylkill, Senator Rhoades, but it just does not make any sense. This does not fit with the bill, and I would ask for a negative vote.

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

Senator RHOADES. Mr. President, the reason that I am offering this amendment and many others tonight is because my bills in committee have not come out, and the second thing is these are germane to them. We took them to Legislative Reference, we found out which bills were germane and which ones were appropriate, and that is what we are offering them to. I think at least we ought to have the opportunity to present them.

Thank you, Mr. President.

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

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

YEAS—24

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

NAYS—24

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

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

LEGISLATIVE LEAVE

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

Senator JUBELIRER. Mr. President, Senator Armstrong has been called to his office and I would ask for a temporary Capitol leave for him.

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

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

AMENDMENT NO. A3211

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3211:

Amend Sec. 6 (Sec. 9781), page 10, line 26, by striking out "(c)" and inserting: (b)

Amend Sec. 6 (Sec. 9781), page 11, line 7, by striking out "(d)" and inserting: (c)

Amend Sec. 6 (Sec. 9781), page 11, line 13, by inserting a bracket before and after "(e)" and inserting immediately thereafter: (d)

Amend Sec. 6 (Sec. 9781), page 11, line 16, by inserting a bracket before and after "(f)" and inserting immediately thereafter: (e)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 695, HB 712, SB 800 and SB 813 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 838 (Pr. No. 901) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for dispositions independent of letters.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

SB 863 (Pr. No. 941) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," providing for certain direct and indirect extensions of credit to individuals, partnerships and unincorporated associations; authorizing direct extensions of credit to finance installment sales of goods and services to be made through sellers and contractors as intermediaries; and providing for compliance with Federal law regarding availability of withdrawal of items deposited.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

Senator BELL. Mr. President, I am sorry my friend, the gentleman from Allegheny, Senator Bodack, is not here, because he agrees with me that this is one of the worst pieces of legislation that has ever hit the Senate. It supposedly -- here comes my friend now. I would like to yield to Senator Bodack on Senate Bill No. 863.

The PRESIDENT. It is generally not the custom of the Senate to engage in yielding; however, the Chair will consider the gentleman to have completed his remarks and, in fact, would recognize the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, this evening I rise to oppose this deregulation of Pennsylvania's consumer banking industry bill. For 60 years, Pennsylvania has been enacting bank related laws that protect consumers. We have not enacted

these laws in a vacuum. We enacted them because they were needed by the people who elect us. The 11 statutes enacted prohibit such predatory practices as balloon payments, unnecessary charges, and acceleration of balances.

We did not invent these practices. They were common, and they were commonly hurting our constituents. The fact that these practices are not common today is not, Mr. President, because the banking industry has changed. It is because the legislature did its job. Certain situations need to be policed, and the relationship between large banking institutions with billions of dollars and each individual consumer is one of them.

The supporters of Senate Bill No. 863 would have us believe that the bill simplifies bank credit. It might do that, but it does a whole lot more. The bill's 14 1/2 pages do not tell us what this measure is really all about. What this bill does but it does not say is that it wipes out no less than 60 years of consumer protection in Pennsylvania's banking law. What this bill does but it does not say is that it will allow banks to charge loan shark interest rates by removing maximum rate caps for personal loans, motor vehicle loans, home equity loans, home improvement loans, and bank credit cards. What this bill does but does not say is also that it trashes 11 separate consumer lending laws that have been enacted since 1933 in Pennsylvania, and as such, it deregulates the banking industry under the guise of eliminating paperwork and making consumer lending simple.

Well, in the interest of simplicity, Mr. President, here is what that means. It means that the sky is the limit on loan interest rates. It means that State penalties against unscrupulous lending practices by banks will be wiped out. It means that we will no longer have State laws that prevent banks from charging exorbitant fees above the actual amount for various services. It means also that we will no longer have State laws that prohibit banks from demanding immediate loan repayments, even when the customer has not defaulted. It means that we will no longer have State laws that allow grace periods for monthly payments and limitations on late charges. It means that borrowers could find that going to the bank for any loan could require their house as collateral, or that collateral for a consumer purchase loan might be extended beyond the items purchased. It means that consumers might find that most loans have variable interest rates, that payment schedules will be accelerated, or balloon payments required - provisions that would wreak havoc for families and drive more and more people into personal bankruptcy. It means, quite frankly, that Pennsylvania State government will have abdicated its responsibility for the protection of Pennsylvania's 11.9 million consumers when it comes to all banking transactions in our State. And, Mr. President, I just do not understand why.

At a time when the cost of money is low and bank profits are high, I cannot imagine the need to take the kind of action that we have before us in the form of Senate Bill No. 863. The prime rate has hovered around 6 percent since last year, and as far as bank profits are concerned, our financial institutions are enjoying the best of times. Our nation's banks earned a record

\$32.2 billion in 1992, which is nearly double their 1991 profits. And in the first quarter of 1993, bank profits soared again, up by 44 percent. And here in Pennsylvania, according to a release just last week from the State banking department, our State chartered banks enjoyed first quarter profits of \$257.4 million; more than double the first quarter profits of 1992. The banks, meanwhile, are paying senior citizens on fixed incomes about 3 percent interest on their savings accounts, while they are charging 9 percent or more in interest on loans. That is a 200-percent profit margin. Further, a recent report by the Consumer Federation of America shows that bank fees grew four times faster than inflation over the past 3 years.

Yet, today we have a bill before us that would eliminate maximum interest rate ceilings that are, in most cases, more than three times the prime rate. The existing statutory interest rate ceiling on bank cards issued in Pennsylvania is 18 percent. The maximum rate for loans on new cars is 18 percent. It is 21 percent on used vehicles. The maximum on home equity loans is 22.2 percent. The maximum on unsecured personal loans of under \$15,000 is 27.8 percent. The actual interest rates today are, in most cases, much lower than the maximums. If anything, we should be lowering the caps instead of removing them. So why the push to do what is in front of us? Why the need to eliminate the ceilings? If the argument over a decade ago to raise the interest rate ceiling on credit cards from 15 percent to 18 percent was based on the fact that the cost of money was so high, then how can there be an argument today to establish a sky's-the-limit charge when the cost of money is low?

There is just no logic in this bill, Mr. President. It just does not make any sense. Or could it be, Mr. President, that because today's rates are low and because most people are not complaining and most people are not paying attention that the banking interests figured that this is a great time, perhaps the best time, to try to sneak this one through? As I have called this, Mr. President, it is a real consumers' Pearl Harbor. It is a special interest money grab. It rips the guts out of 60 years of consumer protection law. It, in essence, totally deregulates consumer banking in Pennsylvania.

In a recent editorial that was critical of banks for raising fees above inflation, the York Daily Record recalled Willie Sutton's infamous response to the question of why he robbed banks: Because that is where the money is, Sutton reportedly replied. The paper, in its editorial, said, and I quote, "Now there is some concern that it is the bankers who have turned into the robbers," end of quote. Let me suggest to you that if we pass Senate Bill No. 868, the Willie Suttons of this world might very well be running our banks.

Of course, I suppose we could all listen to the published comments of Mr. Leonard Carroll, President and CEO of Integra Financial Corporation, when he says, and I quote, "I do not think they," meaning the consumers, "need legislation to help protect them." Well, the translation for that is we should all go home and let the banks decide what is in the best interest of our people, whom we represent. But I submit, Mr. President, this is not what we were elected to do. That is not why we were sent here. We do not need Senate Bill No. 863, and

Pennsylvania citizens do not need Senate Bill No. 863. And quite honestly, Pennsylvania banks do not need Senate Bill No. 863 either.

If we want to simplify the law, that is one thing, but I do not think that we should trash 60 years of consumer protection in the process. The bankers like to talk about philosophy when they discuss this bill. They have been trying to sell this philosophy for 10 years. They mentioned the marketplace, negotiation between banker and customer, laissez-faire banking. Well, I also would like to espouse a philosophy, although a different one; a philosophy that holds consumer protection in high esteem. We were elected by consumers, voters who deserve to know that they are protected from unfair and unscrupulous lending practices when they need a loan or a new car, a new refrigerator, or other major appliances or household items.

And those of us who share this philosophy or the other need to remember history. We need to remember that the banking industry was much less stable 80 years ago than it is today. During the panic of 1907, there was an alarming epidemic of bank failures. In 1913, Congress responded with consumer protection and the Federal Reserve Act, despite strong opposition from bankers. From 1930 to 1933, 8,000 banks with \$5 billion in deposits became insolvent. Franklin Roosevelt's first act as President was to declare a bank holiday on March 5, 1933. Again Congress responded and formed the FDIC. Subsequently, fewer banks failed from 1933 to 1939 than in any one year during the 1920s. It was during this period in the 1930s when the Pennsylvania legislature began to create protection for our constituents. This is what we will undo today if we pass Senate Bill No. 863.

Mr. President, when I go home this week, I want to be able to pass my local bank knowing that their profits are strong and feel no guilt about feeding greed. I also want to be able to pass the homes of my neighbors who must take loans from these banks and realize that I have tried to keep their consumer protection in place. I ask each of my Senate colleagues this evening to join with me on the side of ordinary Pennsylvania citizens. Let us stand tall for the working men and women of this Commonwealth. Let us reject Senate Bill No. 863.

Thank you.

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

Senator SCANLON. Mr. President, much has been said about consumer protection in Senate Bill No. 863, but it is my understanding and my reading of the bill that it does not eliminate any consumer protection previously applicable to banks. Now, there were a lot of consumer protection devices in the Motor Vehicle Sales Finance Act, the Goods and Services Installment Sales Act, and the Loan Interest and Protection Law, all of which were dumped on banks that really were not involved in those types of transactions creating an awful lot of extra paperwork for them, resulting in an increased cost for money. To put the argument forth that placing caps on interest rates is good for the people of Pennsylvania, it ignores what happened when we did put an 18-percent cap on the charge cards. When we did that, I know in Pittsburgh we lost over

1,000 jobs because the major banks all moved their credit card operations to the State of Delaware. The fact is, there are very few, if any, Pennsylvania banks today engaged in the credit card business because of our cap. By removing this cap, it would permit local Pennsylvania banks to get back into the credit card business and at least compete with surrounding States.

Removing the interest rates from loans was tried in New York 10 years ago, and every study seems to indicate that the overall effect was to reduce interest rates in the consumer loan field. This does not apply to real estate mortgages, this does not apply to student loans, this applies to consumer loans of \$50,000 or less. It also incorporates the Federal Truth in Lending Act into the new code in Senate Bill No. 683. It prohibits acceleration, but because acceleration is covered under the Uniform Commercial Code, this bill does not repeal any section of the Uniform Commercial Code. With respect to repossessions, that is also covered by the Uniform Commercial Code, and this act does not repeal any section of it at all.

One only has to look around this country since the Federal government has deregulated mortgage interest rates. Everybody I know has either refinanced their homes, is in the process of refinancing their homes, or will do it in the very near future because deregulation has brought interest rates down. Rather than indicate that this is anticonsumer, it is my considered opinion that it is proconsumer. It will make Pennsylvania banks competitive with all of the surrounding States. It should reduce interest rates and make more money available for the people to borrow.

The protections contained in the Automobile Sales Finance Act and in the Goods and Services Finance Act are still in place. They are not in any way repealed by this bill. In place of those is the Federal Truth in Lending Act, which requires absolute and complete disclosure of the cost of money. I respectfully disagree with my good friend, the gentleman from Allegheny, Leonard Bodack, and when I go back home, I will proudly walk down the street knowing that my bank is going to be able to compete with banks in West Virginia and New York and New Jersey and therefore make money less expensive for the people in my area to borrow. I will not be ashamed of it at all.

I think the time has come to take government off the backs of the Pennsylvania banks, as most of the other States have done in this country, and give them an opportunity to compete freely. If we believe in the capitalistic system, if we believe in competition, and if we believe in competition setting the market price of whatever commodity, I cannot conceive of a more highly competitive commodity than money. And if Pennsylvania banks are given the opportunity to at least play on the same level field with the surrounding States, it should reduce the cost to consumers, it should increase borrowing, it should stimulate economic activity, and I consider this to be a real step in the direction of economic development, and I urge everybody to vote for it.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, I would disagree with my good friend and colleague, the gentleman from Allegheny, Senator Scanlon, when he says that the bill is not repealing, that it is narrow in scope, and consumer protections have never applied to banks anyway. That is totally inaccurate. The protections of Act 6 in the Banking Code that Senate Bill No. 863 would allow banks to ignore are expressly applicable to banks, and the Bankers Association knows that and they readily admit it. They admit that the Goods and Services Installment Act applies to it and credit card transactions and when it requires paper initiated by sellers.

Mr. President, my friend, the gentleman from Allegheny, Senator Scanlon, cites the situation that occurred in New York 10 years ago, and I would like to point out to the gentleman that in today's Metro section of the New York Times, in headlines, here it says that the legislature is deadlocked on banking deregulation. It seems that our friends in New York are up to about the same thing right now and may even be in Session this evening discussing the very same thing that we are discussing, and they have only a week to come up with a solution to their dilemma because it just simply is not working, so say legislators and Senators from the New York area. The legislature in New York must decide by June 30, when the current law expires, whether to make deregulation permanent, simply to extend it, or allow it to last. It obviously is not working. Every consumer group up there is opposed to what they have, and I further cannot understand, with the excess interest rates that are being charged specifically in New York, how we cannot be competitive with that State or any other State when our interest rates are lower. That simply befuddles me.

The gentleman discussed jobs that were lost some years ago when we took certain actions here in the Pennsylvania legislature and he does not tell us if we do this, how many jobs are going to come back to Pennsylvania. The bankers pulled the jobs out of here 10 years ago and they have not brought any back, and this bill will not bring one more job back to the Commonwealth of Pennsylvania. I urge a "no" vote.

Thank you.

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—29

Afflerbach	Hart	Madigan	Salvatore
Armstrong	Helfrick	Mellow	Scanlon
Baker	Holl	Mowery	Shumaker
Brightbill	Jubelirer	Musto	Stapleton
Corman	Lemmond	Peterson	Stewart
Dawida	Lewis	Punt	Tilghman
Fisher	Loeper	Robbins	Wenger
Greenleaf			

NAYS—19

Andrezeski	Fattah	O'Pake	Schwartz
Belan	Fumo	Pecora	Shaffer
Bell	Jones	Porterfield	Stout
Bodack	LaValle	Reibman	Williams
Bortner	Lincoln	Rhoades	

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

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

BILLS OVER IN ORDER

HB 986 and **HB 1011** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

SB 1032 (Pr. No. 1154) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the issuance of tax anticipation notes.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

RECONSIDERATION OF SB 1032

Senator RHOADES. 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?

AMENDMENT NO. A3219 OFFERED

Senator RHOADES, by unanimous consent, offered the following amendment No. A3219:

Amend Title, page 1, line 31, by removing the period after "notes" and inserting: and for restrictions on redevelopment assistance projects.

Amend Sec. 1, page 2, line 2, by striking out "Article XVI-A of the" and inserting: The

Amend Sec. 1, page 2, line 4, by striking out "a section" and inserting: sections

Amend Sec. 1, page 2, by inserting between lines 8 and 9:

Section 1616.2-B. Construction of Redevelopment Assistance Capital Projects.—All redevelopment assistance capital projects shall be constructed by Pennsylvania-based companies, corporations and/or union employees.

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

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

Senator RHOADES. Mr. President, very simply what this says is that our redevelopment and capital projects be constructed by Pennsylvania-based companies, corporations, or union employees.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, at the risk of sounding un-American or un-Pennsylvanian, I would have to oppose the amendment. It is a wonderful idea if we could have this. It would be terrific, especially if no other State would retaliate against any of our contractors. Mr. President, that is not the way it works in this business. If we start restricting the fact that our redevelopment assistance projects will only be done by Pennsylvania companies, other States will be doing the same thing and any of our contracting companies that do work interstate are going to be penalized. In addition, Mr. President, under Federal law, projects that have Federal funding, it is illegal to make this requirement, and many of the redevelopment assistance projects have Federal moneys involved with them, so it would be against the Federal statutes. So I would ask for a "no" vote. I love Pennsylvania companies and unions, but this is not the way to help them.

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

Senator RHOADES. Mr. President, I have one quick comment and I will close it up. I understand the gentleman from Philadelphia, Senator Fumo's constraints on this. Part of my problem is I have had a State prison built in my area. Fortunately, the work has gone to out-of-State areas, projects that could have been done by Pennsylvania workers have not. Taxes have been paid and checks have gone out where there has not been a Pennsylvania nickel earned or paid in here. We have all these problems and I guess what I am saying is they may retaliate, but they are already in here eating away at our jobs anyway.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

And the 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—24

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

Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

NAYS—24

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

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

LEGISLATIVE LEAVE

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

Senator LINCOLN. Mr. President, Senator Mellow has requested a temporary Capitol leave.

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

BILL LAID ON THE TABLE

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.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1099 (Pr. No. 1255) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for initial deposits by existing cemetery companies and for periodic deposits.

Considered the third time and agreed to.

On the question,

Shall the bill pass finally?

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

YEAS—48

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

Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	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 present said bill to the House of Representatives for concurrence.

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

SB 1126 (Pr. No. 1456) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for definitions, for applicable elected representatives, for purposes and powers, for powers of the financing authority, for financing authority indebtedness, for financing authority loans, for industrial and commercial development authorities, for bonds and for competition in award of contracts.

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—24

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

NAYS—24

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

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

BILL ON THIRD CONSIDERATION,
OVER IN ORDER ON FINAL PASSAGE

SB 1172 (Pr. No. 1450) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I move that Senate Bill No. 1172 go over in its order on final passage.

The PRESIDENT. Without objection, Senate Bill No. 1172 will go over in its order on final passage.

BILL OVER IN ORDER

SB 1214 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED

HB 1416 (Pr. No. 1882) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the eligibility of certain persons for licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal.

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

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A3234:

Amend Sec. 1, page 2, line 20, by striking out all of said line and inserting: (a) General rule.—If the chiropractic accrediting agency of a chiropractic college

Amend Sec. 1, page 3, line 5, by striking out all of said line and inserting:

(3) Either the college is located in Pennsylvania or the student was a bona fide resident of Pennsylvania as of June 4, 1993.

(b) Applicability.—The provisions of this section shall apply only to students who graduate on or before December 31, 1996.

Amend Sec. 2, page 3, lines 7 and 8, by striking out "LOCATED IN THIS COMMONWEALTH"

Amend Sec. 2, page 3, line 11, by striking out "APPLICANTS:" and inserting: all applicants and to all students who began matriculating prior to June 4, 1993.

Amend Sec. 2, page 3, lines 20 through 25, by striking out "IF APPROVAL IS NOT" in line 20, all of lines 21 through 25 and inserting: Any applicant who was admitted to this college after June 4, 1993, will not qualify to be licensed to practice chiropractic in Pennsylvania if approval is not obtained by the time he applies for licensure. Any student matriculating prior to June 4, 1993, will be eligible to be licensed in Pennsylvania if he otherwise satisfies the requirements of the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act, and:

(1) the college continues to be accredited by a chiropractic accrediting agency;

(2) the college continues to have the authority, under the laws of the state in which it is located, to grant the Doctor of Chiropractic (D.C.) degree; and

(3) the student graduates prior to December 31, 1996.

(b) Record.—The college shall do all of the following:

(1) Retain a copy of the disclosure under subsection (a) which is signed by the applicant or the matriculating student with the name and Social Security number of such individual typed or printed legibly beneath the signature.

(2) Forward the original to the State Board of Chiropractic.

(3) Forward a copy to the Commissioner of Professional and Occupational Affairs of the Commonwealth.

(c) Enforcement.—The Commissioner of Professional and Occupational Affairs or the State Board of Chiropractic shall enforce any failure to comply with the provisions of subsection (b) by an action in equity in a court of competent jurisdiction.

Amend Sec. 3, page 3, line 27, by striking out "303(A)" and inserting: 501(a)(5)

Amend Bill, page 3, by inserting between lines 29 and 30: Section 4. Expiration.

The provisions of this act shall expire the earlier of the following:

- (1) January 1, 1997; or
(2) as to any chiropractic college affected by this legislation, and as to its students, on the date that such college obtains accreditation from a chiropractic accrediting agency approved by the United States Department of Education or the Council on Post-Secondary Accreditation.

Amend Sec. 4, page 3, line 30, by striking out "4" and inserting:

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, I believe the amendment is agreed to.

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

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1548 (Pr. No. 1800) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

Fattah Lincoln Rhoades 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.

LEGISLATIVE LEAVE CANCELLED

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

SB 691 CALLED UP

SB 691 (Pr. No. 1291) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, by Senator LINCOLN.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 691 (Pr. No. 1291) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1993-1994.

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

Senator LINCOLN. Mr. President, I move to nonconcur in House amendments to Senate Bill No. 691.

The PRESIDENT. Senator Lincoln moves that the Senate do nonconcur in House amendments placed in Senate Bill No. 691.

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

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

Senator JUBELIRER. Mr. President, I just wanted to join in that motion and ask that the Members vote to nonconcur, which is a different marking than they have on their Calendar but I believe the correct decision.

Thank you, Mr. President.

The PRESIDENT. On the motion to nonconcur, in this odd and arcane language of parliamentary procedure, an "aye" vote is a vote against.

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

A voice vote having been taken, the question was determined in the affirmative.

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

REQUEST FOR RECESS

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

Senator LINCOLN. Mr. President, prior to starting on the Second Consideration Calendar, I would ask for a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Chamber.

The PRESIDENT. Prior to the recess, the Chair recognizes the Secretary for the following announcements.

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

The SECRETARY. Consent is also given for the Committee on Banking and Insurance to meet during today's Session to consider House Bill No. 351.

RECESS

The PRESIDENT. The Chair is advised that there is a need for a meeting of the Committee on Rules and Executive Nominations which will be very brief. And given the lateness of the hour, the Chair would advise that the Members stay close so that we can complete the business of the Calendar.

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

**BILLS ON SECOND CONSIDERATION
AND REREFERRED**

HB 105 (Pr. No. 2173) -- The Senate proceeded to consideration of the bill, entitled:

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

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.

HB 149 (Pr. No. 945) -- The Senate proceeded to consideration of the bill, entitled:

An Act allocating a percentage of the net proceeds from all unclaimed funds from sheriffs' sales of residential real property to the Pennsylvania Housing Finance Agency for the purpose of assisting potential home buyers with the financing and purchase of homes at sheriffs' sales.

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.

HB 351 (Pr. No. 2043) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for inclusion in all Commonwealth rules and regulations of flexible provisions designed to benefit small businesses.

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

Senator LINCOLN. Mr. President, I move that House Bill No. 351 be rereferred to the Committee on Banking and Insurance.

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

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

Senator LOEPER. Mr. President, I oppose the motion to refer House Bill No. 351 to the Committee on Banking and Insurance.

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

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

YEAS—24

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

NAYS—24

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

The PRESIDENT. The vote on the motion, "ayes," 24; "nays," 24. The Chair would exercise his prerogative to vote in the affirmative. Therefore, the official vote is as follows:

YEAS—25

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

NAYS—24

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

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

The PRESIDENT. House Bill No. 351 will be rereferred to the Committee on Banking and Insurance.

SB 393 (Pr. No. 1482) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty Tax Transfer revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, Department of Community Affairs, Department of Education, the Pennsylvania Historical and Museum Commission, Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; and making an appropriation.

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.

SB 467 (Pr. No. 1483) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a goal for composting organic residual and municipal waste; setting standards for compost; excluding compost from the definition of "solid waste"; and establishing an assistance program for developing composting facilities and organic waste collection programs.

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

HB 678 (Pr. No. 2103) -- 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 second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS ON SECOND CONSIDERATION
AND REREFERRED

SB 715 (Pr. No. 1460) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Statutes, further providing for use of drug forfeiture funds.

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.

SB 717 (Pr. No. 1461) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing access to Juvenile Crime Data Base to district attorneys; providing for the Constable Education and Training Program and for powers and duties of constables; and making repeals.

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

SB 737 and **SB 889** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

SB 967 (Pr. No. 1064) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for additional suspensions for certain offenses.

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 971 (Pr. No. 1485) -- The Senate proceeded to consideration of the bill, entitled:

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

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 1011 (Pr. No. 1114) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 1022 (Pr. No. 1136) -- 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 recognition of the Pennsylvania Geographic Alliance; imposing powers and duties on the Secretary of Education; and making an appropriation.

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.

HB 1080 (Pr. No. 2133) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, further providing for the use of liquid fuels tax revenues.

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

SB 1089, SB 1096 and SB 1101 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

SB 1213 (Pr. No. 1451) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21) entitled, as reenacted, "Liquor Code," further providing for the salaries of board members.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1462 (Pr. No. 2169) -- 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, permitting certain sales on Super Bowl Sundays; and providing for additional activities of limited wineries.

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

HB 1609 (Pr. No. 1817) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L.553, No.110), known as the Engineering School Equipment Act, further providing for reallocation of unused funds and for the expiration of the act.

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

HOUSE CONCURRENT RESOLUTION NO. 106, CALLED UP

Senator LINCOLN, without objection, called up from page 12 of the Calendar, **House Concurrent Resolution No. 106**, entitled:

A Concurrent Resolution urging members of the Pennsylvania Congressional delegation to meet periodically with the General Assembly regarding unfunded Federal mandates.

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

HOUSE CONCURRENT RESOLUTION NO. 106, AMENDED

Senator FUMO offered the following amendment:

Amend Resolution, page 2, by inserting between lines 2 and 3:

WHEREAS, The legal history of the Constitution of the United States has demonstrated that, prior to the ratification of the Constitution of the United States, each state possessed the exclusive authority

and right to regulate intrastate commerce as an inseparable trait of sovereignty, and such authority is retained to the extent that it has not been specifically surrendered to the Federal Government by instrument, and that this authority is guaranteed to the states by the Tenth Amendment to the Constitution of the United States, and that any affirmative grant of power to the Federal Government is not exclusive unless inconsistent with the particular grant; and

Amend Resolution, page 2, by inserting between lines 24 and 25:

RESOLVED, That the General Assembly remind each member of Congress from Pennsylvania of the Commonwealth's retention of its sovereign authority, under the Tenth Amendment to the Constitution of the United States, to enact and enforce any law, rule or regulation not specifically excluded by the Constitution of the United States, and that each member of Congress from Pennsylvania shall respect the Commonwealth's sovereign authority under the Tenth Amendment to the Constitution of the United States when considering, deliberating and enacting any proposed piece of legislation that may affect this Commonwealth; and be it further

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

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

Senator FUMO. Mr. President, what this amendment basically does is it reminds the Congress of the United States that there is a 10th amendment to the Constitution of the United States. All too often we have found the Federal government just treating the States as if we were stepchildren or something. I just want to remind them that we specifically reserved, in the 10th amendment, all powers we did not specifically give to the Federal government, and I think from time to time it is healthy to let our Members of Congress know that this Commonwealth is sovereign and not them.

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

RESOLUTION OVER IN ORDER TEMPORARILY

Without objection, the resolution, as amended, was passed over in its order temporarily at the request of Senator FUMO.

REPORTS FROM COMMITTEES

Senator LINCOLN, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 323 (Pr. No. 1510) (Amended) (Rereported)
(Concurrence)

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; authorizing designation of and regulating outdoor advertising along a scenic byway; further defining "court" and "school bus"; further providing for registration requirements for school buses, for judicial review for certification of mechanics and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making repeals.

SB 687 (Pr. No. 1359) (Rereported) (Concurrence)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

SB 692 (Pr. No. 1292) (Rereported) (Concurrence)

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

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

SB 244 (Pr. No. 251) (Rereported)

An Act establishing the Office of the Great Lakes within the Department of Environmental Resources and designating the office as the lead agency within State government for the development of policies, programs and procedures to protect, enhance and manage the Great Lakes.

SB 955 (Pr. No. 1046) (Rereported)

An Act amending the act of April 27, 1966 (1st Sp. Sess., P. L. 31, No. 1), entitled "The Bituminous Mine Subsidence and Land Conservation Act," providing for the restoration or replacement of water supplies materially affected by mining; further providing for the replacement or repair of certain structures affected by mine subsidence; further providing for appeals and departmental action; and making repeals.

SB 1061 (Pr. No. 1502) (Amended) (Rereported)

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

SB 1190 (Pr. No. 1503) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "taxable income"; reducing the rate of corporate net income tax; further defining "average net income" for capital stock and franchise tax computations; including electric utilities on the increased gross receipts tax

and additional surtax; and further providing for the taxation of title insurance companies under Article IX.

SB 1193 (Pr. No. 1412) (Rereported)

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," defining "eligible counties"; further providing for allocation of State moneys, for average realty transfer tax revenues and for weighted transfer tax revenues.

HB 27 (Pr. No. 476) (Rereported)

An Act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension.

HB 696 (Pr. No. 2215) (Amended) (Rereported)

An Act amending the act of May 11, 1949 (P.L.1116, No.330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Justice and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," transferring the powers and duties of the Department of Justice to the Department of Agriculture; specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

HB 697 (Pr. No. 761) (Rereported)

An Act providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold or priced by weight; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

HB 698 (Pr. No. 762) (Rereported)

An Act amending the act of December 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act of 1965, further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, for testing and for the sale and packaging of certain commodities.

HB 699 (Pr. No. 2216) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, implementing the constitutional amendment on judicial discipline; and further providing for Commonwealth portion of fines, etc.

HB 1009 (Pr. No. 1551) (Rereported)

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for the State Board of Osteopathic Medicine and for penalties; and regulating the practice of respiratory care practitioners.

HB 1010 (Pr. No. 1552) (Rereported)

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for the State Board of Medicine; and regulating the practice of respiratory care practitioners.

HB 1709 (Pr. No. 2146) (Rereported)

An Act creating the IRC/Ben Franklin Partnership and providing for its powers; establishing the IRC/Ben Franklin Partnership Fund; providing for certification of industrial resource centers, for certification of Ben Franklin technology centers and for certain transfers; and making repeals.

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

SB 1241 (Pr. No. 1500)

An Act amending the act of July 6, 1988 (P. L. 487, No. 82), entitled "Abandoned Mine Subsidence Assistance Act," extending the expiration date.

RESOLUTION REPORTED FROM COMMITTEE

Senator LINCOLN, from the Committee on Rules and Executive Nominations, reported the following resolution:

SR 7 (Pr. No. 1511) (Amended) (Rereported)

A Resolution proposing a special rule of practice and procedure in the Senate when sitting on impeachment trials.

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator AFFLERBACH, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY**

June 10, 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 J. Furber, Esquire, 105 Wynnedale Road, Narberth 19702, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1994, vice The Honorable Anita B. Brody, resigned.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

June 2, 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, Donald A. Wilhelm, 421 South Saint Marys Street, Saint Marys 15857, Elk County, Twenty-fifth Senatorial District, for appointment as a District Justice, in and for the

County of Elk, Magisterial District 59-3-03, to serve until the first Monday of January, 1994, vice Elizabeth J. Friedl, resigned.

ROBERT P. CASEY
Governor

NOMINATIONS LAID ON THE TABLE

Senator AFFLERBACH. Mr. President, I request that the nominations just read be laid on the table.

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

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. Walter Rannus by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. James Franklin Miller by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Hudak by Senator Belan.

Congratulations of the Senate were extended to James Austin by Senator Bell.

Congratulations of the Senate were extended to Pastor Oscar Timothy Tillman and to the Cheerleaders of Saint Scholastica School of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Most Reverend Louis A. DeSimone, Gustine Borriello and to Annette Fluhr by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph W. Rusiewicz by Senator Hart.

Congratulations of the Senate were extended to Dr. James N. Holkon by Senator Holl.

Congratulations of the Senate were extended to Annie Dee Hyman by Senator Jones.

Congratulations of the Senate were extended to First Welsh Baptist Church of Plymouth by Senator Lemmond.

Congratulations of the Senate were extended to Sean P. Wilson, Eric Overpeck and to the Loyalsock Township High School and Loyalsock Township Middle School of Williamsport by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Smartnick by Senator Porterfield.

Congratulations of the Senate were extended to Ellen Brader by Senator Reibman.

Congratulations of the Senate were extended to Summit Central Elementary School of Erie by Senator Robbins.

Congratulations of the Senate were extended to Dr. Frederick R. Rabinowitz and to Marilyn Meltzer by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent L. Farnen by Senator Shafer.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Michael J. Cleicki Burns by Senator Hart.

BILL ON FIRST CONSIDERATION

Senator JUBELIRER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

SB 1241.

And said bill having been considered for the first time,

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

BILL SIGNED

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

SB 1.

RECESS

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

Senator LINCOLN. Mr. President, I move that the Senate do now recess to the call of the President, until approximately 10 a.m. tomorrow, and I would say that we will be starting at 10 a.m. and I would hope that the Members would all be here and we could get done in a lot better shape tomorrow.

The PRESIDENT. Senator Lincoln moves that the Senate do now recess to the call of the President, with the intention of arriving here at 10 a.m.

The Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Roy C. Afflerbach) in the Chair)

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

The PRESIDENT pro tempore (Robert J. Mellow) in the Chair.

The PRESIDENT pro tempore. Without objection, we will return to the order of business of communications.

APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Senator J. William Lincoln to the Committee on Aging and Youth.

CONSIDERATION OF CALENDAR RESUMED

**HOUSE CONCURRENT RESOLUTION
NO. 106, CALLED UP**

Senator LINCOLN, without objection, as a Special Order of Business, called up from page 12 of the Calendar, **House Concurrent Resolution No. 106**, which previously went over in its order temporarily, entitled:

A Concurrent Resolution urging members of the Pennsylvania Congressional delegation to meet periodically with the General Assembly regarding unfunded Federal mandates.

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

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

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. For the purpose of leaves of absence, the Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Corman. The Chair hears no objection. Senator Corman will be placed on temporary Capitol leave.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Fumo, Senator Jones, Senator O'Pake, and Senator Stout.

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski, Senator Fumo, Senator Jones, Senator O'Pake, and Senator Stout. Without objection, those leaves will be granted.

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

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 106**

Senator LINCOLN. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 106.

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

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon

Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Stout, and his temporary Capitol leave will be cancelled.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR J. BARRY STOUT
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. For the purpose of an introduction, the Chair recognizes the gentleman from Washington County, Senator Stout.

Senator STOUT. Mr. President, I rise this morning to introduce two guests who are in the Capitol today visiting and observing the operations of the Senate and the House. They are Mrs. Eleanor Gaso Belski and her son, Casey Belski. They are from West Pike Run Township, Washington County, and Mrs. Belski is the daughter of the Mayor and Mrs. Joseph Gaso of Bentleyville, the grandparents of Casey, and I would like the Senate to extend them its usual warm welcome. And escorting them today is a Member of my staff, Mr. Michael Kisbaugh.

The PRESIDENT pro tempore. If the guests of Senator Stout will kindly rise, the Senate would like to extend to you its cordial welcome.

(Applause.)

**GUESTS OF SENATOR ALLYSON Y.
SCHWARTZ PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. For the purpose of an introduction, the Chair recognizes the lady from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I have with me today a visitor from my district office, a student who has decided to spend a few weeks in my office working with me. Her name is Sarah Katz. She just graduated from the Baldwin School in Montgomery County and has been admitted to Columbia University where she will be starting in the fall. She will be spending several weeks with me and she has been a terrific asset to my district office and has come to Harrisburg to spend the day here. I would ask my colleagues to extend a warm welcome to her.

The PRESIDENT pro tempore. If the guest of Senator Schwartz would kindly rise, the Senate would like to welcome you to the Senate and we wish you well.

(Applause.)

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

The SECRETARY. Consent has been given for the following committee meetings: the Committee on Communications and High Technology, to consider House Bill No. 44; and the Committee on Rules and Executive Nominations, to consider House Bill No. 41.

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

**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 certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 11, 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, Carmen A. Anderson, 5081 Rosecrest Drive, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John M. Pierce, Ph.D., R. D. 1, Box 210A, Annville 17003-9711, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL**

June 2, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Jennings, 1715 Capouse Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS**

April 14, 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, Louis H. Carter, 6206 Catherine Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Constance Voynow, Elkins Park, whose term expired.

ROBERT P. CASEY
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS**

April 14, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sheldon C. Jelin, 2401 Pennsylvania Avenue, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Bertha M. Brown, whose term expired.

ROBERT P. CASEY
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS**

April 14, 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 J. Stanzone, R. D. #2, Box 279, Tower Road, Ottsville 18942, Bucks County, Tenth

Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1999, and until his successor is appointed and qualified, vice William Ford, Chalfont, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS

April 14, 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, Jesse E. Williams, Jr., 220 East Mermaid Lane, Townhouse #131, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Raymond Kohl, Philadelphia, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE INDUSTRIAL BOARD

May 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Gallagher, 7800 Castor Avenue, Philadelphia 19152, Philadelphia County, Second Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice Gabriel L. I. Bevilacqua, Philadelphia, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD OF
VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

March 30, 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, Edwin K. Galbreath, Jr., Box 146, R. D. #3, Kingswood Road, New Castle 16105, Lawrence County, Forty-seventh Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY
Governor

MEMBER OF THE WAYNE COUNTY
BOARD OF ASSISTANCE

June 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator AFF-
LERBACH and were as follows, viz:

YEAS—48

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

NAYS—0

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

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

The SECRETARY. The Committee on Aging and Youth has permission to meet to consider House Bill No. 113 and House Bill No. 1340.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LINCOLN. Mr. President while we are at ease, I think we can take care of some business, committee meetings that have been permitted off the floor by both leaders. The first one in the Rules room will be the Committee on Aging and Youth, and at the conclusion of the meeting of the Committee

on Aging and Youth there will be a meeting of the Committee on Law and Justice, and at the conclusion of the meeting of the Committee on Law and Justice there will be a meeting of the Committee on State Government, and at the conclusion of the meeting of the Committee on State Government we will have the meeting of the Committee on Transportation. The meeting of the Committee on Transportation will be in Room 461. And we are going to further delay the meeting of the Committee on Banking and Insurance until an amendment that is being drafted is ready, which will probably be in a half hour or so.

So if the Committee on Aging and Youth would go right now and hold their meeting, to be followed by a meeting of the Committee on Law and Justice, then the meeting of the Committee on State Government, and then the Committee on Transportation which is being held in Room 461, which is a public hearing on Robert Gleason, who has been nominated to the Turnpike Commission.

The PRESIDENT. With the Members' indulgence, we will attempt to hold a series of meetings while we are at ease on the Senate floor. Would the Members of the Committee on Aging and Youth please report to the Rules room at the rear of the Senate Chamber. We will be calling the other meetings in sequence.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS
TUESDAY, JUNE 22, 1993

9:30 a.m.	FINANCE (to consider Senate Bill No. 1191)	Room 8E-A Hearing Rm. East Wing
10:00 A.M.	AGING AND YOUTH (to consider House Bills No. 113 and 1340)	Room 8E-B Hearing Rm. East Wing
10:00 A.M.	COMMUNICATIONS AND HIGH TECHNOLOGY (to consider House Bill No. 84 (Whistleblower) and amendments pertaining to telecommunications)	Senate Majority Caucus Rm.
11:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 626, 828, 837, 846 and House Bills No. 437, 489 and 675 and any other business that may come before the committee)	Room 8E-A Hearing Rm. East Wing
11:00 A.M.	TRANSPORTATION (to consider the nomination of Robert A. Gleason, Jr., to the Pennsylvania Turnpike Commission)	Room 461 4th Floor North Wing
11:45 A.M.	STATE GOVERNMENT (to consider the nomination of Marvis K. Frazier to the State Athletic Commission) CANCELLED	Room 8E-B Hearing Rm. East Wing

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 139, 162, 177, 179, 184, 185, 216, 220, 222, 241, 243, 244, 257, 262, 292, 296, 311, 313, 339, 348, 376, 378, 393, 409, 422, 427, 429, 432, 433, 460, 470, 471, 485, 512, 527, 560, 595, 620, 647, 658, 678, 689, 699, 711, 722, 723, 743, 820, 829, 836, 867, 877, 918, 926, 952, 953, 955, 956, 986, 993, 1026, 1028, 1035, 1036, 1041, 1046, 1059, 1061, 1062, 1079, 1100, 1103, 1183, 1190, 1235, 1237 and House Bills No. 15, 22, 27, 52, 299, 450, 550, 588, 589, 673, 696, 697, 698, 699, 829, 1009, 1010, 1260, 1692 and 1709)	Rules Committee Conf. Rm.
Off the Floor	JUDICIARY (to consider House Bill No. 1003; Roz Robinson, Court of Common Pleas, Phila. County)	Rules Committee Conf. Rm.

The PRESIDENT pro tempore (Robert J. Mellow) in the Chair.

REPORTS FROM COMMITTEES

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

SB 926 (Pr. No. 1010) (Rereported)

An Act amending the act of April 6, 1937 (P. L. 200, No. 51), entitled "Pawnbrokers License Act," further providing for application for license; providing for a hearing and license renewal; and further providing for license fees, for powers of the Secretary of Banking and for interest and charges.

HB 52 (Pr. No. 2260) (Amended)

An Act providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty transfer tax revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, Department of Community Affairs, Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; requiring a transfer from the Realty Transfer Tax Account in the General Fund to the Deferred Maintenance Account; and making an appropriation.

Senator LINCOLN, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 41 (Pr. No. 1696) (Rereported)

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.

Senator SCHWARTZ, from the Committee on State Government, reported the following bill:

HB 816 (Pr. No. 2258) (Amended)

An Act providing for evaluation, termination and continuation of State agencies; establishing the Sunset Leadership Committee and providing for its powers and duties; and making repeals.

Senator ANDREZESKI, from the Committee on Aging and Youth, reported the following bill:

HB 1340 (Pr. No. 1914)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, defining "genetic tests"; further providing for information to consumer credit bureau and for rights of the Department of Public Welfare; providing for publication of delinquent support obligors; further providing for expedited paternity and support procedure; providing for professional licensure sanctions against support delinquents; and further providing for voluntary acknowledgment of paternity.

Senator BORTNER, from the Committee on Communications and High Technology, reported the following bill:

HB 84 (Pr. No. 2223) (Amended) (Rereported)

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

Senator STEWART, from the Committee on Law and Justice, reported the following bills:

HB 103 (Pr. No. 2259) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for enforcement and for the issuance or transfer of liquor licenses in license districts in cities of the first class; and providing for the issuance of a restricted restaurant license for certain premises in a city of the first class.

HB 1281 (Pr. No. 2135)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing special occasion permits for fraternal benefit societies; and providing for legal opinions.

HB 103 (Pr. No. 2259) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for enforcement and for the issuance or transfer of liquor licenses in license districts in cities of the first class; and providing for the issuance of a restricted restaurant license for certain premises in a city of the first class.

Senator STOUT, from the Committee on Transportation, reported the following bill:

SB 1227 (Pr. No. 1480)

An Act authorizing disposition of land of the Department of Transportation located in the second ward of Pittsburgh.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1227, HB 52, HB 103, HB 816, HB 1281 and HB 1340.

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

SENATE RESOLUTION

DISCHARGING THE COMMITTEE ON PUBLIC HEALTH AND WELFARE FROM FURTHER CONSIDERATION OF SENATE BILL NO. 516, PRINTER'S NO. 553

Senators JUBELIRER, FISHER, LOEPER, GREENLEAF, HART, SHUMAKER, HELFRICK, LEMMOND, RHOADES, SHAFFER, ARMSTRONG, BAKER and BELL offered the following resolution which was read as follows

In the Senate, June 21, 1993

A RESOLUTION

Discharging the Committee on Public Health and Welfare from further and Welfare from further consideration of Senate Bill No. 516, Printer's No. 553.

RESOLVED, That Senate Bill No. 516, Printer's No. 553, entitled "An act 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 public assistance administration, for public assistance community work, for public assistance eligibility, for public assistance identification and residence and for medical assistance; and providing for maximizing Federal funds and for school attendance requirements for public assistance," having been referred to the Committee on Public Health and Welfare on February 19, 1993, and the committee not having reported the same to the Senate for a period of over ten legislative days, the committee is discharged from further consideration thereof.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

SPECIAL ORDER OF BUSINESS

SUPPLEMENTAL CALENDAR NO. 2

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 84, HB 699 and SB 1190 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL OVER IN ORDER

HB 41 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

RECONSIDERATION OF HB 84

Senator LINCOLN. Mr. President, I move that we reconsider the vote by which House Bill No. 84 went over in its order.

The PRESIDENT pro tempore. Senator Lincoln moves that the vote by which House Bill No. 84 went over in its order be reconsidered.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that House Bill No. 84 be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT pro tempore. Without objection, House Bill No. 84 will be rereferred to the Committee on Appropriations.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator O'Pake, and his temporary Capitol leave will be cancelled.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO THE SENATE**

Senator O'PAKE. Mr. President, we have some distinguished guests here today whom I would like the Chair to recognize. A guest Page for today is Amy Dufresne, who is a sophomore at Governor Mifflin Senior High School, and with her, in the gallery, is her very proud father, the Reverend Edward Dufresne, who is a professor at the Philadelphia Lutheran Seminary. They are here today to observe State government in action, and I ask the Chair to recognize Amy, our Page, and her father, Reverend Edward Dufresne.

The PRESIDENT pro tempore. If the guests of Senator O'Pake would rise, we would like to extend our cordial welcome to them.

(Applause.)

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Tuesday, June 22, 1993, at 1:30 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.