

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 22, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 41

SENATE

TUESDAY, June 22, 1993

The Senate met at 1:30 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert J. Mellow) in the Chair.

PRAYER

The Chaplain, the Reverend FRANK R. CHURCHILL, Jr., of Christians United Church in Beaver County, Beaver, offered the following prayer:

Let us pray.

Sovereign Lord of men, women, nations and commonwealths, we give You earnest, heartfelt thanks for preserving Your noble, humane experiment begun almost two centuries and 17 years ago in the early eastern capital of this Commonwealth, whereby You entrusted freedom-loving colonists with the authority to preserve, protect, and defend their then radically new constitutional right to govern themselves.

We give You thanks, O God, for inspiring their dream of freedom, which captivated the universal visionary imagination and the courageous loyalties of those Founding Fathers and fired the hopes and aspirations of numerous nation builders across the globe and down through the years.

We give You thanks again, O God, for stalwart leaders of more recent times, for the wisdom and the stature of the late Senator James E. Ross and his worthy successor, Senator Gerald J. LaValle, as well as the late Senator Francis J. Lynch.

We pray Your merciful wisdom may rest upon the leadership of both parties and upon the honorable Members of this prestigious Senate, through whom the citizens of this great State currently exercise their government of the people, by the people, and for the people.

Sovereign Lord, You have commended us all to preserve the public safety, security, and tranquility. As you once said to Roman citizens and Senators alike, that everyone must submit himself or herself to the governing authorities, for there is no authority except that which God has established. The civil authorities that exist have been established by God, for they are God's servants to do You good.

May You then, Sovereign God, so bless Your peoples for their good, particularly as You bless Your servants, these assembled Senators, for in our complex society we serve competing interests and parties, while we have only one supreme sovereign who is justly worthy of honor, worship, and alle-

giance.

So then may we pray You may grant to these, Your servants, Your divine assistance in resolving our present difficulties and our future perplexities, that together we may serve the common good, even as we respond to Your uncommonly unifying grace.

Indeed, gracious God, do we come to You in these moments exceptionally unified from across both sides of this aisle and from across a broad political spectrum. For Senator Robert Jubelirer has voiced what is upon the hearts of each of us when he said, "My thoughts, my prayers, my best wishes go to Governor Bob Casey." For the Governor has himself said, "You have adjusted yourself to the reality that there is nothing that can be done to help, and then, all of a sudden, out of the blue, there is profound new reason to hope."

So we come united in praying for Governor and Mrs. Casey, that indeed a modern technological miracle may give him added, unexpectedly healthy years of useful life. And further, we would unite our prayers for just one more monumental political miracle, that You may assist the national administration in resolving the escalating costs of such a prodigiously stupendous health care system and yet making it universal and affordable to the Governor and the governed alike, with benefits to all our citizens, their wallets, and States' treasuries across the length and the breadth of this land of freedom.

Finally, may You so guide us that we all may govern our personal and public affairs wisely and well to Your honor and our good.

Now in the name of Him, who 2,700 years and more has been called Wonderful Counselor, Mighty God, Eternal Father, Prince of Peace, whose peaceful government will never end, across all the millennia past and all time and eternity yet to come. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Churchill, who is the guest today of Senator LaValle, and I also would like to express our gratitude to him not only for his prayer but also for his perseverance and his patience.

Thank you very much, Reverend.

JOURNAL APPROVED

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

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LINCOLN, further reading was dispensed with and the Journal was approved.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1052**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. The following committees have been given permission to meet during today's Session: the Committee on Judiciary, to consider House Bills No. 1003, 1647, and the nomination of Rosalyn Robinson to the Court of Common Pleas in Philadelphia; the Committee on Finance, to consider Senate Bill No. 1191.

LEGISLATIVE LEAVES

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

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

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Jones. Is there any objection? The Chair hears none. The leave is granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Brightbill.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave for today's Session on behalf of Senator Brightbill. Are there any objections? The leave will be granted.

CALENDAR

SB 692 CALLED UP OUT OF ORDER

SB 692 (Pr. No. 1292) -- Without objection, the bill was called up out of order, from page 1 of the Calendar, under Preferred Appropriation Bills on Concurrence in House Amendments, by Senator LINCOLN, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 692 (Pr. No. 1292) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

do concur in the amendments made by the House to Senate Bill No. 692.

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

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

YEAS—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 inform the House of Representatives accordingly.

LEGISLATIVE LEAVE CANCELLED

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

Senator BRIGHTBILL. Mr. President, I was mistakenly put on leave and was here to personally cast that vote.

The PRESIDENT pro tempore. The gentleman's leave will be cancelled, and the record will so note.

LEGISLATIVE LEAVE

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

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

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Reibman. Are there any objections? The leave will be granted.

RECESS

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

Senator LINCOLN. Mr. President, in about 30 seconds, I am going to ask for a recess of the Senate for purposes of caucuses on today's Calendar. Prior to doing that, I would ask that the meeting of the Committee on Judiciary that has been scheduled off the floor, immediately upon the recess, if we could have the Committee on Judiciary meet in the Rules room at the rear of the Chamber. Immediately upon the conclusion of the meeting of the Committee on Judiciary, I would ask that all the Members of the Democratic Caucus report to the first

floor caucus room for a caucus.

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

Senator JUBELIRER. Mr. President, we would ask all Republican Members of the Senate to report to the second floor caucus room to the rear of the Senate Chamber immediately upon the recess of the meeting of the Committee on Judiciary, and we will put out a call at that time.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has also been given for the Committee on Banking and Insurance to meet during today's Session to consider House Bill No. 351.

The PRESIDENT pro tempore. For the information of the Members, the Committee on Judiciary will be meeting immediately upon the recess of the Senate in the Rules room, to be followed by Democratic and Republican caucuses, the Democratic caucus to be held on the first floor and the Republican caucus to be held in the second floor caucus room. For those purposes, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Patrick J. Stapleton) in the Chair.

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

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

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

The PRESIDING OFFICER. Senator Lincoln requests a temporary Capitol leave for Senator Pecora. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

PREFERRED APPROPRIATION BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 687 (Pr. No. 1359) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 687.

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

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

YEAS—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.

RECONSIDERATION OF SB 687

BILL OVER IN ORDER ON FINAL PASSAGE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I move that we reconsider the vote by which Senate Bill No. 687 failed on final passage and I move that the bill go over in its order.

The PRESIDING OFFICER. Senator Lincoln moves that the vote by which Senate Bill No. 687 failed on final passage be reconsidered and that the bill go over in its order.

The motion was agreed to.

The PRESIDING OFFICER. Senate Bill No. 687 will be placed on the Final Passage Calendar.

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Mellow and Senator Lewis.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 323 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE, DEFEATED

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.

On the question,
Shall the bill pass finally?

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

Senator BELL. Mr. President, I rise to oppose this bill. This bill will permit giving, I think they call them sole source bids, without advertising by negotiation, and there is no cap. Now, I have read the bill, and for instance, a sole source could be contacted to install completely new heating in a large building—items like this—and it could involve not only hundreds of thousands of dollars per contract but even higher. I say this is not the way to run a railroad or a city.

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

Senator LINCOLN. Mr. President, I am not the prime sponsor of this bill, but I have been told that there is no legitimacy to the arguments of the gentleman from Delaware, Senator Bell, against the bill because that is already the law and the main point being changed in this is it would allow local municipalities to take into consideration long-range, long-term energy savings when they are considering a contract.

I see the prime sponsor. I would yield to the gentleman from Philadelphia, Senator Fattah.

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

Senator FATTAH. Mr. President, this is a bill that came out of the Committee on State Government with almost unanimous support. It presents an opportunity for municipalities and school districts to save tens of millions of dollars that otherwise could not be saved, at no cost to the Commonwealth, and it provides an opportunity for us to use an innovative technique. Guaranteed energy saving contracts is a process that will ensure public disclosure of the contracted amounts and it will also guarantee the savings upfront through the placement of bonds. So I would encourage the Senate to follow the lead of the Committee on State Government. We have to save money. This is an opportunity to address one of the ever-increasing costs of operating a government entity related to energy, heating and air conditioning. It has widespread support by the local county officials and school district officials. It is a very important piece of legislation, one in which we get a chance to make a dramatic difference in costs without it costing the taxpayers money, and I would encourage my colleagues here to give it their unanimous support so it can go to the House and we can move forward.

Thank you very much, Mr. President.

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

Senator BELL. Mr. President, I do not know what the gentleman means by "almost unanimous support," because I very loudly opposed this in the Committee on State Government. Maybe I am not a member of the committee, but I thought I was.

Now, if this is such a good deal and it involves hundreds of thousands of dollars, why should it not go out to bid?

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

Senator FATTAH. Mr. President, not to belabor the point, but "almost unanimous" means that with one single exception this bill left the Committee on State Government, and it does allow for local government entities to make a decision as to whether to bid it out or to go with a noncompetitive bidding process, as long as they publicly disclose the estimates and allow time for other bidders who want to come forward to step forward. So I think all of the safeguards have been met. Obviously, we will continue to work with our colleagues in the House to do whatever we need to do to further relate to concerns that have been raised, but I do not think that we can have a process in government where unanimity is the necessary call of the day. There was an exception and we do respect the comments of the previous speaker, but when we have the opportunity to save tens of millions of dollars, I believe that the Senate of Pennsylvania should act responsibly, and I would call on my colleagues to vote in favor of this legislation.

Thank you very much.

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

Senator SCHWARTZ. Mr. President, I would like to speak in favor of this legislation, as chair of the Committee on State Government. We did have some discussions about the issues that the gentleman from Delaware, Senator Bell, raises, but, in fact, this does not in any way change the way that contracting is done. What it does do is it takes into account the fact that there can be long-term savings in energy, in environmental protections, that if you can get those kinds of energy savings, you should be able to take that into account in the initial bid, so that while it recognizes that you may need to spend a little bit more upfront to get long-term savings 10 or 20 years out, you should be able to take that into account in the bid.

I think it is a very progressive piece of legislation; I think it is an important one. It allows municipalities to do this. It recognizes the savings and the potential impact of those savings long-term, and I hope that we will continue to have bipartisan support for this legislation. I commend the prime sponsor for bringing it forward at this time and allowing municipalities to move ahead on energy saving projects.

Thank you very much, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—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.

RECONSIDERATION OF SB 1172

BILL OVER IN ORDER ON FINAL PASSAGE

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

Senator LINCOLN. Mr. President, at the request of the prime sponsor, I move that we reconsider the vote by which Senate Bill No. 1172 failed on final passage and I move that it go over in its order.

The PRESIDENT. Senator Lincoln moves that the Senate do reconsider the vote by which Senate Bill No. 1172 failed on final passage and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1172 will appear on the Final Passage Calendar.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 696 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

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

HB 699 (Pr. No. 2216) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator LINCOLN. Mr. President, House Bill No. 699 is the implementing legislation for the constitutional amendment on judicial discipline that passed on the ballot in the last election. It is a very necessary piece of legislation, and I would ask for a positive vote on it.

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

Senator JUBELIRER. Mr. President, this is the implementing legislation on the judicial discipline bill which the voters of Pennsylvania approved on primary election day. It has been a long haul, and, of course, I think there has been cooperation on both sides to try to get this implementing legislation to this point, recognizing that the effort began over a decade ago. I believe it is an important piece of legislation and would affirm with my colleague on the other side of the aisle, the gentleman from Fayette, Senator Lincoln, that we would hope that there would be an affirmative vote to pass this legislation which the taxpayers and the voters of Pennsylvania have so resoundingly supported.

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—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.

LEGISLATIVE LEAVE

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

Senator LINCOLN. Mr. President, Senator Williams has been called to his office for a meeting with some members of the Philadelphia delegation and I would request a temporary Capitol leave.

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

THIRD CONSIDERATION CALENDAR RESUMED

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

SB 1190 (Pr. No. 1503) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," 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.

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

On the question,
Shall the bill pass finally?

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

Senator JUBELIRER. Mr. President, this, of course, is a piece of legislation which offers what we would call trading taxes, and there is no question about it, Mr. President, reducing the high tax level this State imposes on businesses is absolutely vital to job retention and job growth. Unfortunately, though, tax trades do not constitute tax relief. Substituting taxes on individuals who are electric customers and on electric energy-intensive industries, frankly, is not the sort of significant long-term answer that Pennsylvania is crying out for. I do not remember anyone writing and saying, please increase the utility tax the consumers will inescapably pay. As Clintonomics is demonstrating, simply mixing tax pain and gain falls way short of people's expectations and Pennsylvania's needs. A tax exchange does not create opportunity for tomorrow.

Mr. President, I think it is important that Republicans and Democrats recognize that the current tax structure works very much against our economy and the future of many of our communities. What is most important is the commitment to provide progress, not just create illusion. We in the Republican Caucus have pushed for measures that provide real tax relief. If we are serious about making rates more competitive, about leveling the playing field of economic attractiveness and job potential, then, indeed, we have to take a chance. We will need to make decisions now that will make for tough spending choices next year and the year after and the year after that. If State government continues to concentrate on spending, if we are reluctant to commit to future tax rate reductions, then Pennsylvania will only see infrequent and modest reductions which will not allow us to catch up in the economic chase. Workers and employees in communities are asking for lower taxes. It is our job to

provide a solution, responsible but significant.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I have a completely different assessment of Senate Bill No. 1190 than does the gentleman from Blair, Senator Jubelirer. It is clearly a tax cut for business. We have amended this bill so that there cannot be any pass-through by the utilities on the tax that they are going to have to pay, which means that they are going to have to go to the Public Utility Commission for a rate increase to cover this if they intend to do that. They have already had 2 years of not paying a tax that they were fully intending to pay the increase since 1991, and that total is over \$200 million.

The important thing is that we are putting into place a loss carryforward provision for small businesses, and the one thing that has been consistent in every letter of complaint that I have gotten about taxes in Pennsylvania is that the loss carryforward provision is one that is the most important to them, and this is very clearly a \$102 million to \$105 million savings to small businesses throughout Pennsylvania. It is not everything that we would want to do. It includes a very small CNI reduction. It is not going to be taken off the backs of an education program or a welfare program or any other State-related program. The money is very clearly there for this reduction, and it can be categorized as a tax trade any way you want, but there is no way, the way this bill is written, that it is going to be a tax trade, no way at all. It is clearly a tax reduction for small businesses, large businesses, and corporations in Pennsylvania.

It also has a savings in it of \$36 million in the second year because of a change in the capital stock, the electric utility tax. We had it at 18 months and now we are going down to 6 months or a year, and it goes down \$36 million, so there would be an additional savings in the second year out.

We have heard repeatedly from the Republican Members of the Senate since January about the need for reducing taxes for business, and we are responding to that in a very responsible, a very legitimate, and definitely in a real way, and to say that this is a tax shift simply because we are going to finally close a loophole for a tax on utilities that existed only because of a drafting error in a bill in 1991, and in that bill we are saying that you cannot pass this through to your users, the people whom you are billing, unless you prove that need to the PUC. And I have not even mentioned the fact that with interest rates dropping and the profits soaring for electric utilities that it would be a long time before I can imagine them going in because of this very minuscule amount of money in their overall budgets, that they would go in and risk having their rates reduced because of less of an effort on their part and because of the fact that it is costing them less to operate right now as a corporation and as a company.

A "no" vote on this is strictly a vote against reducing taxes for small businesses particularly in Pennsylvania. A "no" vote on this bill says you are not interested in giving a loss carryforward provision to the business community in Pennsylvania. A "no" vote on this bill is simply saying to them we are not

interested in giving you a corporate net income tax reduction. If you want to give a signal, and that is what I hear, the buzzwords from the Republican debaters throughout this whole process this year has been: if you want to give a signal, if you want to give a signal. Well, ladies and gentlemen of the Senate, right now is your opportunity to give a signal. Give the signal in a positive way, vote for Senate Bill No. 1190, see some positive results of that immediately, or give the signal out that it is a typical way of doing business - we want to talk about something but we really do not want to do it. And that is as bottom line as I can tell you. A "no" vote is a vote against tax reduction. A "yes" vote is a good vote, it is a good vote for giving a loss carryforward provision to the small business community and a corporate net income tax reduction of twenty-six hundredths of a percent. There is no other way. You can categorize it any way you want. A "no" vote is a "no" vote, and a "yes" vote is a "yes" vote. I would urge everyone in this Senate to vote "yes" on Senate Bill No. 1190.

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

Senator PETERSON. Mr. President, I would like to commend the Majority for showing their awareness of the problem. I think today for maybe the first time they really have admitted that there is a problem, that Pennsylvania business taxes are outrageously high. We have sent a signal not only around the country but around the world that we are the highest business tax State in the country, and that is just the way it is.

It is interesting to listen to the discussion that this is not a business tax shift. There is 50 mills, if this passes, of gross receipts utility tax on electric. In 1991, the gas utility gross receipts tax went to 50 mills. Who paid every dime of that since it has been instituted? The ratepayers. The ratepayers. And who are the ratepayers of gas and electric utilities? Sixty-three percent of the electric utilized in this Commonwealth is by business, 37 percent is by residential. So 37 percent of the gross receipts utility tax is the only portion that is no longer a business tax. Twenty-seven percent of this package is a business tax cut. Seventy-three percent of it is a business tax shift.

Now, what kind of message does that send to the country when we pass a billion-dollar tax increase on business? A billion in '91. A billion. And we are going to give them a \$25- or \$30-million tax cut. It is like pouring a teaspoon of water on a burning house. Now, it is better than nothing, but it does not solve the problem. Twenty-seven percent of this tax is paid by people, 73 percent is paid by business. Seventy-three percent is a tax shift.

We have offered again and again, and we will again, meaningful business tax cuts, because if we do not deal with the loss carryforward in a meaningful way, if we do not deal with the highest corporate tax in the country in a meaningful way, if we do not deal with the capital stock and franchise tax and how it affects small business, and I could go on. The annuity tax. I have been told that the annuity companies are within 6 months of all being domiciled in other States. That is business lost forever. We need a commitment from the Majority to deal

with the business climate in Pennsylvania. Last week we passed a third of a loaf of workmen's compensation. That is a step in the right direction. Today this is not even a slice. This is not even the crust. This is a crumb of what we need to do. And I am here willing to work with the Majority, to work out a long-range plan for business tax cuts that will send the right message to our employers, that we want to be a job-friendly State, that we want you to bring your investments here where we will be fair with taxes, we will be fair with workmen's compensation, we will be fair with better environmental treatment than we have had in the past. I am willing to work with the Majority any day they want to work for meaningful—and this is not meaningful—business tax cuts. It is a sham.

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

Senator BRIGHTBILL. Mr. President, I guess I would best indicate my concern and the reason I am going to vote "no" as follows: I talked to a businessman, and I would take some difference with Senator Peterson in the sense that he said this is better than nothing. One of my constituents said, no, it is not better than nothing, it is worse than nothing. And that is why I am voting "no." And here is the reason why he says it is worse than nothing: what we are doing is we are implementing a permanent increase in the gross receipts tax, which, as the gentleman from Venango, Senator Peterson, pointed out, is a tax shift. We all know that everything is a tax shift, and that is not the bad part, but what my business constituents are saying is that they are going to be paying forever more business taxes in terms of the gross receipts tax. Now, when they go ahead and pay forever the additional gross receipts tax, what are they going to get? Oh, they are going to get a 1-year reduction in the loss carryforward, and they are going to get a small decrease in the corporate net income tax.

Now, here is the key shift to this thing. If there is a business in Pennsylvania that is losing money, they are not paying the corporate net income tax, but under this bill they will pay more taxes on the electric that they use. Yes, sir, they will. You only pay taxes — yes. Yes. Yes. Listen to him. Yes. You only pay taxes on corporate net income when you make money, but you pay the gross receipts tax even when you lose money. Even if they close the doors and all you want to do is have a light outside to keep the thieves and burglars away, you pay the tax.

So what is the business community telling me about this package? They get a permanent tax for a 1-year loss carryforward and for a tax shift primarily within the business community from companies that are making money and ones that are not making money to companies that are making money. Now, that strikes my constituency as unfair.

Now, let me say this. I think with negotiation between the two Caucuses, we could develop a tax reduction package that would have a positive impact upon the business climate of Pennsylvania, that would help produce jobs for working people within Pennsylvania, and I would support that effort.

MOTION TO PASS BILL OVER

Senator BRIGHTBILL. What I would ask, Mr. President, is that we not vote this bill today but that we take it over so that that effort could occur. So I would like to move that this bill go over.

The PRESIDENT. Senator Brightbill moves that Senate Bill No. 1190 go over in its order.

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 Belan, Senator Bodack, Senator Bortner, and Senator Fattah.

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

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

Senator LINCOLN. Mr. President, on the motion.

The PRESIDENT. The Chair would remind the gentleman and all the Members of the Senate that debate is limited to the postponement of the legislation, not the legislation itself.

Senator LINCOLN. Mr. President, I have no interest in talking about anything other than asking for a "no" vote on the motion.

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

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

YEAS—24

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

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

Senator BELL. Mr. President, in my area, which is a market area of the Philadelphia Electric Company, we have the second highest electric rate in the United States, and 5 percent of the electric bills of my neighbors will produce far more than 5 percent of electric bills in some other parts of the State.

I am going to vote against this, and I would suggest there are other places to make up this money. Like, I think there is \$30 million in community affairs, maybe \$20 million in education, and maybe those moneys could be diverted for tax relief for our businesses.

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

Senator MOWERY. Mr. President, I would just like to acknowledge the fact that I think it is wrong, as we have all said, with regard to the gross receipts tax. There is one thing I would like to point out that I do not think has been mentioned. This bill also provides that corporations in Pennsylvania which have subsidiaries, that the dividends paid to the corporation from their subsidiaries must be added to the next income profit line as far as the company goes and be taxed again.

You know, Mr. President, as this bill was presented in the Committee on Finance, I think I made a statement there that I think describes very well what this bill is. It is really smoke and mirrors. There is absolutely on the one hand we are giving something that is supposedly a tax break to our business community in Pennsylvania, and on the other hand we are coming back and we are taxing it all and taking it from them. I think it is wrong, and I ask for a negative vote on this bill.

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

Senator MADIGAN. Mr. President, on behalf of rural Pennsylvania, especially agriculture, I went to the major supplier in my district, who covers a major portion of that district, and asked them what the impact of this increase in the gross receipts tax would be on agriculture. They came back to me with figures that included none of the incorporated agriculture but strictly agricultural and farm services, and the costs to only that portion of the State is over \$200,000 a year in the increase in the gross receipts tax. With the embattled situation that our agriculture industry has in Pennsylvania today, I believe it would be a mistake for us to consider this legislation.

Thank you.

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

Senator ROBBINS. Mr. President, I also would like to share my concern about this bill and the gross receipts tax. In coming from a county that has at this time probably the highest unemployment in the State and two industries - one is Sharon Steel, which is presently in bankruptcy and we are trying to get them out of that, the cost of doing business for them would again be greatly increased; and also for Shenango Incorporated, which is now, or trying to become, Shenango Quality Products, an employee-owned company. Again, both steel companies are extremely reliant upon the electric that is provided to them and

again, I have to say that I have to oppose anything else that we do that makes it a cost of doing business in Pennsylvania, and particularly for these two companies that employ a large portion of the labor force in Mercer County.

Thank you.

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

Senator FUMO. Mr. President, it has been a long time since I have heard so many Republicans speak out against a business tax break, so I have to ask myself why? What is up? What is really behind it?

First, let us deal with the math. Okay, someone over there once said I did not know my math. I know my math and I will give you the numbers. Write them down. Add them. If you need adding machines, I can get them out here for you. Senator Bell, it is not 5 percent, it is 5 mills. Five mills equals one-half of 1 percent, just for the record.

Now, when we take a look at what we are cutting, we are going to, under this proposal, give a net operating loss carryforward which in '93-'94 is worth \$103 million; lower the CNI .26 percent which is worth \$37 million. That is what it is going to cost the Commonwealth's General Fund to do this tax decrease for businesses.

So where does the money come from? In the first year, it comes from straightening out the drafting error that was made on electric utilities, and that would yield \$103.9 million. And also fixing the capital stock dividends issue, and that would yield \$36.8 million. I heard no one defend that maybe we were wrong in trying to fix that one. That just floats around, \$36 million that nobody cares about.

Then we go into the next year, '94-'95. In '94-'95, that NOL costs us \$88 million. The CNI reduction costs us \$35.48 million. And where do we get it from? Well, now we start to take a look at the yield from the utilities tax. And the yield from the electric utilities tax in '94-'95 is only \$56.6 million, and the yield from the capital stock dividends tax is only \$30.2 million. Which means that while in the first year you might justifiably, if you were looking for an excuse to protect the well-heeled electric utility companies, if you were looking for an excuse, you would say in the first year it is tax shifting. In the second year it is \$36 million more in a reduction of business taxes than there is income coming in from the changing of the language and taxing electric utilities and the capital stock and dividend tax.

So, if by any wild imagination, if you just learn how to add 1 and 1, you will learn that in '94-'95, and this bill does continue, that at least in that year there is a business tax savings of \$36.68 million. Maybe that is not enough for you. I do not know.

You know, when we first did net operating loss carryforwards for tax revenue in 1991--and I have said the history around here a lot; I will repeat it again--it was my job to negotiate that tax bracket. And I called up the Republican side of the aisle, who wanted nothing to do with doing anything about taxes, even though you were in the Majority, and I told you 20 times you would be helping us, and you did in the end. But

even though you wanted to have nothing to do with it, I remember the gentleman from Montgomery, Senator Tilghman, even bringing a pair of rubber gloves to the meeting saying, I am not touching this. I have nothing to do with this. Well, I called up over there and I got my staff and said to my staff, give me the most obnoxious business tax increase you can think of so I can call the Republicans and offer that and then I am sure they will say we do not want that, but let us negotiate. So I made that phone call. The answer was, sure, no problem.

Well, that night I felt a little bit of guilt. My mother inflicted a lot of guilt on me when I was a kid and I know what that is like. The next morning I got up and talked to my staff and they said, you know, you really should not take advantage of the Republicans like that. You ought to call them again. So I called the next morning and said, do you really okay this thing? Do you know what it is? Have you checked with your staff? The answer was, yeah. Okay. So that is where we were back when the Senate Republican Caucus was fighting for business. They gave us that one. That was not anywhere on my list. It came out as getting the most obnoxious one we could find to try to spur negotiations. It did not spur negotiations, but that is how business lost the net operating loss carryforward. The long and short of the history.

So today we come back and say we want to try to change that a little bit because there is not enough money and we are not going to break the budget by trying to help out business but we are willing to try to do our share. And what do we say? We want to straighten out the problem with electric utilities - those great, wonderful, altruistic, philanthropic organizations that produce electricity for us - we want to just go back and get what they should be paying because all the other utility companies are paying it. They are not paying it because of a draftsman's error when we did the bill. So far they have saved over \$200 million. So far. So we are saying, let us let them pay their fair share and we will be able to do this for business. And what do we get from that side of the aisle? No way. No way. It is going to be passed on. All this aggravation.

Let me tell you, when we adopted this amendment--I put an amendment in when we adopted this bill, I put an amendment in that specifically excluded and prohibited any utility from passing this tax increase and this tax correction on to consumers, both business and private. I could not even get all the Republicans to vote for that. I got some, but not all. So that now the only way under this bill that those great philanthropic institutions called electric utility companies can get to shove it to the consumer on this tax would be they would have to go to the PUC and ask for it. But the problem is that under the law, they do not just walk in the door and say, hey, guys, I have a new tax here. I want to pass it on. Uh-uh. The PUC says, let us look at all your books. Let us take a look at how much money you have made. Let us take a look at if you really need this passed on to consumers.

Now, those of you who are familiar with the capital markets and the cost of money these days know, or should know, that the cost of money has gone down radically. In fact, we in the

Commonwealth have saved hundreds of millions of dollars by refinancing long-term capital debt at the lower costs. What do we think, we have a monopoly on that? Do we think we are the only people who thought of refinancing debt? Do you not think the utility companies thought of refinancing debt? Well, they did. And they refinanced debt. And they are sitting on a bonanza of income now that they never before imagined possible, particularly the big capital-intensive ones like PECO in the Philadelphia area, where someone said we pay the highest rates. They saved a fortune in reducing their debt. So now no one in their right mind from one of those utilities would go before the PUC, expose their books and ask for a rate increase so that they can get this amount of money passed on. In fact, if anything, I wish they would because it would probably result in a rate decrease.

But I will tell you what they will do and what they have been doing. They have been raising their salaries by astronomical amounts. The Philadelphia Business Journal this week listed the top 100 CEO compensation packages in the Philadelphia region. The president of PECO ranked 10th. That is a shame. It was not bad. He got over \$2 million last year in salary and stock options. Two million dollars. That is just him. The rest of the staff did very well, too. And of that \$2 million, \$800,000 or so or \$900,000 was in salary. But we want to protect—not we, you—want to protect that utility because God forbid they should not make that kind of money. So you get up here in pious debate and say, I do not want to give small businesses a reduction in their CNI. I do not want to give back to small businesses the net operating loss carryforward, because if I did that we would have to tax utilities and they would pass it on.

Well, let me tell you, that does not even play in Peoria. You can sit here and kid yourself and go through all the mental masturbation you want to go through, but I tell you, the facts are plain and simple. If you want to protect huge electric utilities, then you vote "no" on this bill. But do not dare, do not dare go back home to small businesses and say you did them a favor. You stuck it to small business. And we all know why. Because Joe Schmeck with a little company in Aliquippa somewhere does not have a PAC. PECO has a PAC. I have gotten money from that PAC, and so have you. But you have to stand up to that PAC and you have to stand up to those special interests when it comes down to doing the right thing.

So let us get with it, if you are sincere about business tax reductions or if you just want to do rhetoric. If you want to do rhetoric, stay over there, vote "no." The minute we are done with Session go in the back of the Chamber, have a big news conference, what a sham this was, and all the other hocus pocus. The bottom line is the numbers do not escape anybody. In '94-'95, no matter how you characterize this, this is at least, in definition, under the worst case scenario, a \$36 million business tax cut, at the very least. But go ahead and protect those big utility companies, because I know your constituents are going to like you for that.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from

Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I listened to the gentleman from Philadelphia, Senator Fumo, whom I frankly admire because I consider him to be very bright and well-educated. I think he has a degree from the Wharton School of Business at the University of Pennsylvania. And I guess I am standing here kind of confused because I am wondering what they taught him at the University of Pennsylvania, and I am kind of scratching my head because I am wondering why he talked about negotiating several years ago when there was a tax to be levied but he did not talk about negotiating this year when there is a tax to be levied and tax breaks to be given. Are we not good enough to be talked to anymore, Senator? Now that we have 24 and you have 24, you do not talk to us anymore? We have to be back in the Majority, is that what you are telling us? Where were the negotiations this year?

But that is not what confuses me. What confuses me is, here is this Wharton-trained Senator—

Senator FUMO. Mr. President.

The PRESIDENT. The gentleman will yield.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I believe I am being interrogated, and I would like to respond in an orderly fashion.

The PRESIDENT. The Chair would point out to the gentleman from Lebanon, Senator Brightbill, that he is getting dangerously close to making some personal aspersions. If the gentleman wishes to interrogate the gentleman from Philadelphia, Senator Fumo, he is obviously willing to do that.

Senator BRIGHTBILL. Mr. President, I very much appreciate the offer, and I love being dangerously close.

Senator FUMO. Mr. President, translation please. He does not want to interrogate me? Is that what it is? He just wants to make crazy remarks?

Senator BRIGHTBILL. Mr. President, I am certain that the gentleman is well able, when I am done, to get up and defend himself.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, is in order. He has the floor at this point.

Senator FUMO. Mr. President, would the Chair admonish the gentleman to make remarks and not phrase them as questions about my MBA from Wharton, or other things, unless he wants answers to the questions.

The PRESIDENT. The gentleman's point is well-taken. We shall not engage in ad hominem insinuations.

Senator BRIGHTBILL. Mr. President, thank you.

I am just wondering, having heard this story that I never heard before about this call from the gentleman from Philadelphia, Senator Fumo, to somebody on the Republican side, why would he ask his staff for the most obnoxious business tax and propose that in negotiations? I do not understand the public policy position that is being taken by the Democrats when he negotiates for them. Maybe he, when I get done, will get up and explain why he proposed that. Why would the representative of the Democratic Party propose what he considered to be and what his staff considered to be the most hideous tax?

I will tell you this, Mr. President. I very much want to vote for tax reduction, and the gross receipts tax is not a sacred cow as far as I am concerned, and I think that had the other Caucus come forward and legitimately begun negotiations, as was done in past years, I think we would be here quickly voting a bill that we could all be proud of. We know how this process works, and we know that they have 24 votes and we have 24 votes, and we know that it takes 25 to pass something, and yet in the last 3 to 4 weeks since this has been brought out on the table, no one has talked to us.

Now, I do not know if the recollection of that story of the gentleman from Philadelphia, Senator Fumo, is correct. I do not know what this truth is. I have not heard the other side of that story, and I do not know that it is particularly relevant. And if we talk about ad hominem arguments, I thought that was pretty personal, taking something that occurred between two people off the record and putting it on the record. In fact, I think in court, Mr. President, that would be called a collateral issue. But the point is what we are doing here is trading not one but two permanent business tax increases for short-term decreases. And the sense out there is that if there is an attempt, if there is a need for money next year, we will be back here increasing those business taxes again saying, you only had them for 1 year. It is only a 1-year deal. You know, you saved all that money that you did not pay in the gross receipts tax.

Mr. President, I would like to see us get something done. I would not like to see us put up 24 "no" votes, see them put up 24 "aye" votes, and see us walk out of here without accomplishing something for the Commonwealth of Pennsylvania. I would like to see this bill go over so that some of those negotiations can occur. What do we want here? Do you want to put up a vote that someone, I do not care what vote cast here, somebody can put it in a light that is less favorable to your political ambitions? So you are going to put up "aye" votes and they are going to be misconstrued; we are going to put up "nay" votes and they are going to be misconstrued, and what are we going to accomplish? We are not going to accomplish a darn thing.

Let us get responsible in here. Let us do some negotiating. Let us talk. Let us get it done. Or do you not want to get it done? That is the real question, Mr. President. Do you want to try to embarrass us? Do you want to try to be vindictive and catch up on a past tax that you missed because of a drafting error? Do you want to put our feet to the fire and you thought this was the way to do it and it is not going to happen, or do you want to actually pass tax reform and provide a business tax cut? Let us find out what we are doing here.

Mr. President, I very much want to vote to cut business taxes because I think it is good for working people. I think it is good for jobs. I think we need the dialogue. I think the gentleman from Philadelphia, Senator Fumo, in his debate both here and in the Committee on Appropriations has made a lot of good points. I am personally willing to concede a lot of those, but the tax package that we have here is not the one that we ought to pass here tonight, but we keep butting heads. Let us take this over, Mr. President. Let us cool off. Let us get this

thing done. Let us talk to each other. I will be a vote, I am telling you right now, I will be a vote if you have the right package. Yes, sir, the gentleman from Fayette, Senator Lincoln, is nodding and he knows that I am good for my word. I know he is good for his, and he knows I am good for mine, but let us get a package that we can live with, that we are comfortable with, that is going to get something done.

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

Senator LINCOLN. Mr. President, my response to the gentleman from Lebanon, Senator Brightbill, is we do have a package. We do have good bill. We do have something that will get it done, and here is your chance to vote for a tax reduction for business. It is that plain and simple. I cannot understand how anyone can argue against what we are doing. It is not going to take a dollar from any program. It is not going to hurt anybody in Pennsylvania. There is a non-passthrough provision that says you cannot pass this along. What more do you want? There is \$125 million provided for a real tax decrease for business. Now, you talk about negotiations? Yesterday I had to listen to the gentleman from Schuylkill, Senator Rhoades, give me hell because we do negotiate, because he wants to put something in that is so altruistic that it is hard to believe. Today we get it the other way. You cannot have it both ways, folks. You had an opportunity from June 2 until today to amend this bill, both in the Committee on Appropriations and on the floor, and there has not been one peep, not one word, not one sentence, not one bill, not one amendment, because you just do not want to see something good happen to Pennsylvanians because the Democrats have proposed this. That, pure and simple, is what this is all about. And it is going to have 24 Democratic votes. It is a good package. It does provide tax reduction to businesses. The one business tax that everybody complains about is the loss carryforward, which was taken away in 1991.

I just do not understand how things get to this point, where the best interest of the 11 1/2 to 12 million people we represent becomes so secondary because somebody else came up with the idea. And I will even give you a better example. In the last Session, when the Republican Party controlled the Senate, had the Majority, clear-cut Majority, the gentleman from Lackawanna, Senator Mellow, and the gentleman from Philadelphia, Senator Fumo, introduced a bill that would have taken one-tenth of 1 percent of the PIT rollback that took place, which was about \$150 million, and provide the same kind of tax relief for businesses, small and large. That had as much of a chance of seeing the light of day last year as I do of flying to the ceiling and jumping up there and turning the light on and off.

This is absolutely ridiculous. There is no way of categorizing this in any other way. It is a good piece of legislation. It is solid. It is sound. It provides exactly what you have been crying about for 6 months. You have been whining about tax reduction for businesses and here it is, legitimate, clear, no questions, no increases, and until the law is changed it cannot be passed through. That is an absolutely weak, wimpy, sick

argument about this not being anything but a tax shift. It is a tax reduction. It is clear, if you can read. It says very clearly that you cannot pass it through, and we are now looking at one thing, protecting utility companies at the expense of 96 percent of the other companies in this State. If you do not want to reduce taxes, if you do not want to do it for the small businesses, I will tell you, after today you are going to have a hard time talking about it. If there are 24 Republican "no" votes on this bill, I can assure you that it is going to be very clear which party wants to reduce taxes and which party does not.

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

Senator LOEPER. Mr. President, on the bill that is before us, and listening to some of the debate that has been banded about here on the Senate floor this afternoon, I think it is only proper that I put on the record some recollection of some of those arduous days during the summer of 1991, and particularly the negotiations that took place at that time.

It seems to me, Mr. President, I have a totally different recollection than maybe some of the other Members who have spoken before today on this floor. Particularly, Mr. President, I think if we were to reflect back on the record at that time and also some history, we would see that it was this administration that had spent this State into almost a \$3 billion deficit in 1991, a problem that had to be addressed by this General Assembly. Mr. President, if you remember, the first panacea to that problem was a proposal of \$1.6 billion in new business taxes, and that was going to eliminate the manufacturer's exemption on Pennsylvania business. It was going to raise the necessary money in order to cover the deficit that year. However, because of the way the budget had been put together the year before that, that deficit grew significantly by June 30, and there was a problem in the amount of almost \$3 billion that had to be addressed. As I recall, my good friend, the gentleman from Montgomery, Senator Tilghman, with his gloves on at those tables, consistently asked for proposals of what was going to be put forth to raise the revenue in order to cover the administration's deficit. And you know, Mr. President, some of the proposals we saw, and we did not see them until finally at the end of July, were proposals that came out as a menu of taxes. Well, Mr. President, every conceivable tax that you could come up with was listed on that menu.

When we talk about the NOL, I recall, Mr. President, that one of the top items on that menu of taxes was elimination of the subchapter S corporation exemption in Pennsylvania, which would have driven every small business out of this State. Put that with the elimination of the manufacturer's exemption for large businesses and we would have completely driven business out of this State. However, I think, Mr. President, that when the final menu of taxes was presented, the suspension at that time was only a temporary matter to try to take care of a situation that occurred on a one-time basis, hopefully, and that suspension would be restored. However, what we have seen since 1991 has been a total resistance on the part of the Democrats here in the Senate, as well as this administration, and the Democrats in the House, to do anything meaningful to

reduce business taxes.

Mr. President, I think if we were just to take a look once again at some history, last year it was the Senate Republicans in this Chamber who initiated a comprehensive blueprint for tax reduction, not a one-time fix or Band-Aid that was going to be a PR factor for a short period of time, but yet, Mr. President, it was a meaningful program that was going to provide tax relief to the businesses of Pennsylvania so Pennsylvania could stay user-friendly for business, could stay competitive, we could keep our jobs here as well as try to attract new jobs. However, what we saw was no tax reduction in the offering. This year, we were not part of any budget negotiation, but yet what we saw here on the Senate floor at the end of May was a budget adopted with over \$900 million of new spending, almost a billion dollars of new spending, but not one item of tax reduction, whether it be on the personal side or on the business side.

Mr. President, I think if we want to really talk about meaningful tax reform in this Chamber, we have to have a blueprint, a blueprint for action that is going to take place not only just over a 1-year period but something that is going to retain jobs in Pennsylvania and make Pennsylvania a user-friendly State once again.

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

Senator FISHER. Mr. President, I think what we are clearly seeing here is a repeat in Pennsylvania of what we are seeing at the national level in the Congress of the United States. President Clinton wants to tax this country into prosperity. This bill attempts to do basically the same thing. Laugh. Anytime a comparison is made between obviously what is happening here and what is happening in Washington, I recognize that comparison hurts. It has to hurt a lot. It has to hurt a whole lot for the Members of the other side of the aisle, many of whom supported those very policies that took this nation to where it is today and is bringing a package to this country that the people in this country are going to have in a few weeks or a few months.

But let us look at what this package which is before the Senate of Pennsylvania attempts to do and what it does not attempt to do, and why, Mr. President, in fact, there is no alternative being offered to Senate Bill No. 1190 by this side of the aisle.

The problem that we are facing and the solution that we need to be addressing is not new taxes, not 130 or 141 million dollars' worth of new taxes, as is called for in this bill, but what we need to do if we are, in fact, to reduce tax rates in Pennsylvania is reduce spending. Where is the bill on this Calendar to reduce spending? It is not on this Calendar, because the spending bill left this Chamber about 3 weeks ago and alternatives that would have reduced spending in next year's budget were rejected by the other side of the aisle. When we attempted to offer a welfare reform bill, which would have saved approximately \$75 million this year and continued savings into future years, that alternative was rejected by the other side of the aisle. Has any consideration been

given to across-the-board cuts in the bureaucracy, 5- percent cuts that could save us in excess of \$100 million? No. No consideration was given to that. There was no discussion of that in the budget. In fact, there was no discussion with our side of the aisle at all with the budget.

Mr. President, if we are serious about reducing taxes, let us not adopt a policy of the Democratic President and the Democratic Congress of all of a sudden raising taxes to reduce taxes, because that is all this does. And for those of you on the other side of the aisle for whom the words maybe hurt a little bit to be compared to what is going on on the banks of the Potomac, then I say to you, if we want to change direction from what is going on in Washington, let us not repeat what our colleagues in Washington are doing. Give us an opportunity to address those things which can bring some cuts in spending to the Commonwealth of Pennsylvania. Give us the opportunity to address welfare reform and I assure you, just as the gentleman from Lebanon, Senator Brightbill, has said, we will be standing here with those of you on the other side of the aisle trying to craft a tax package that can bring some long-term economic relief, can bring some long-term tax reduction to the businesses across the Commonwealth.

Now, Mr. President, I am sorry, but looking at the painful expression on your face and I think the painful expression on the face of the Majority Leader, perhaps those words hurt. But if we want to be serious, start talking about spending reductions and stop bringing the phony packages before us such as the package that is before us here tonight.

Thank you, Mr. President.

The PRESIDENT. The Chair would point out to the gentleman that he should not mistake amusement for pain.

PARLIAMENTARY INQUIRY

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

Senator BELL. Mr. President, I have a parliamentary inquiry.

The PRESIDENT. The gentleman will state his parliamentary inquiry.

Senator BELL. Mr. President, under the Rules of the Senate, Section XXI, subsection 2, "Senators who have a personal or private interest in any measure or bill proposed or pending before the Senate shall disclose the fact to the Senate, and shall not vote thereon." I am an owner of stock in Philadelphia Electric and Pennsylvania Power and Light. Am I entitled to vote?

The PRESIDENT. The Chair would respond that you are not only entitled to but required to vote. You are a member of a class, one of many people, and not a unique individual in that circumstance.

Senator BELL. Mr. President, thank you.

And the question recurring,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, I sat by and listened to the

debate quite interestingly, even when it degenerated down to trying to compare Presidents. As bad as you may think Bill Clinton is doing, and I do not necessarily agree with that, he could not match the disaster that Ronald Reagan and George Bush created if he was President for 50 years, so let us get that straight right upfront. His tax program is not a good tax program, but I say that because I happen to be one of those people who is going to be paying that 10 percent surtax, okay, so I happen to be among the wealthy in this country, so I do not think it is good, but the average Pennsylvanian, I think, is not going to be upset by it.

Mr. President, we sit around here and say, why do we not reduce spending? That is the Republican battle cry for this week. Why do we not have welfare reform? That is the second battle cry. Because if we had all those things, we could reduce taxes for business. Well, it is very easy to say those things when you do not have to act on them. But for a number of years, in fact up until last year, the Republicans were in control of this Chamber. What kind of a lousy job did you guys do that you never touched welfare reform? Where were all of your welfare reform bills during all those years that you ran this Chamber? I have no idea.

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

Senator FISHER. Mr. President, I saw that the gentleman from Philadelphia, Senator Fumo, had used a parliamentary tactic with a previous speaker. I think he was interrogating me and I just wanted to respond to the interrogation.

Senator FUMO. Mr. President, no, I was not. If he wants to speak, he can speak. I was not interrogating the gentleman.

Senator FISHER. Mr. President, I thought the gentleman was interrogating.

Senator FUMO. Mr. President, I said, where were all of the Republican reforms?

Senator FISHER. Mr. President, the welfare reform bill passed the Senate last Session. I just wanted to remind the speaker.

The PRESIDENT. The Chair thanks the gentleman for his reminder and the Chair would point out that the gentleman was asking rhetorical questions and the Chair does not view that as interrogation.

Senator FUMO. Mr. President, but in answer to the answer, no tax savings were in that particular bill that passed.

Mr. President, I remember 1991 very vividly. It was a long, hot summer here. And I remember a lot of the issues that came up, and believe me, my recitation of the facts on NOL is as clear and as truthful as can be, and there were witnesses.

Mr. President, now let us talk about subchapter S. That was raised. The reason that we did not do subchapter S was because certain Members of the Majority Party, and I include in that definition both House and Senate, had some clients that had subchapter S corporations and they could not figure out a way to get them out of the tax. That is why we did not do subchapter S.

PARLIAMENTARY INQUIRY

Senator JUBELIRER. Mr. President, point of parliamentary inquiry.

The PRESIDENT. The gentleman will yield.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, the gentleman who is now speaking protested before because the matter got personal for him. I think for him to impugn the integrity of Members as to the clients they had is clearly out of order and a violation of the rules, and I would ask, Mr. President, that the gentleman from Philadelphia, Senator Fumo, be admonished to stay within the confines of the debate.

The PRESIDENT. The Chair would recognize the gentleman from Philadelphia, Senator Fumo, if he wants to enter into the colloquy.

Senator FUMO. Mr. President, I did not rise to complain about anything. All I did was ask if the gentleman was interrogating me. That is not why I rose before. And I never knew that the truth was against the rules, but if it is, I will not tell the truth. I will sit here and live in this fantasy world that is about as real as your arguments have been today.

The PRESIDENT. If the gentleman would yield.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, we can keep going on like this and bickering back and forth, but the fact is the gentleman made certain remarks on the record which are a violation of the rules, and all we are asking in the inquiry is for you to rule on those remarks, pure and simple. They are absolutely inappropriate.

The PRESIDENT. The Chair finds the gentleman from Blair, Senator Jubelirer, to be mistaken. The Chair has listened intently to the debate. Senator Fumo's remarks were not ad hominem, they were not a violation of the rules. They were an interpretation of the events of 1991. It is possible to go far afield from his starting point, but as of this moment he has not launched himself in that direction.

And the question recurring,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, I have heard the complaint that there was no negotiation, no discussion. That is the latest excuse why some Members of that side of the aisle want to vote "no" on this. We introduced this bill back in the end of May. None of us got any phone calls of suggestions of, gee, let us make this a little bit better by doing this or that. We did not get any phone calls about it. Nobody called us. We went forward with the bill and now all of a sudden today we get accused of not negotiating something that no one asked to negotiate. I do not know how to defend against that one.

Mr. President, as to the budget negotiations, because that is really what this is all about, people are a little bit upset about

the fact that we passed the budget early. We even offered to negotiate a budget before Senator Lynch ever thought about coming up here. I gave you a copy of the printout, had our staff respond to your staff's question about the printout, offered to negotiate in that budget, got a response that afternoon, no way. That is when Senator Lynch came up. So stop the bellyaching.

And about your pious motives about negotiating with us in 1991, you did that because you had to because you did not have enough votes for the tax program. We helped you out. You were in the Majority. It was your obligation to govern. You fell short of that and had to come to us for help. That is when we decided to negotiate. This year we did not need you. When we decided to negotiate, you did not want to, and now you cry foul.

Mr. President, the long and the short of it is that this is not a tax increase, this bill merely asks, in a polite way, big electric utility companies to pay the same fair share of taxes that other utility companies in Pennsylvania pay. That is not an increase. By any stretch of the imagination, that is not an increase. It may be considered an increase when you consider the fact that they have gotten away with \$200 million so far, but it is not an increase. It is merely asking those big utility companies to pay their fair share the same way that water utility companies, gas utility companies, and other utility companies pay. And what do we do with that money when we get it? Do not spend it on any new programs, merely lower taxes on businesses in Pennsylvania.

I have heard a lot on this floor today, but I have yet to hear the reason why we should not really be doing that. I have told you how much the CEO of our utility company makes - \$2 million. I guess he is ticked off at Clinton's tax package too. But you want to protect those people at the expense of the little "mom and pop" corporations that start up and try to create a living for themselves; people who have net operating losses that they want to carry forward. You want to say to those people, I am protecting your interests. I am protecting. I did not let them get those big utilities, I protected you. Do not worry about it. As soon as we get control of the Chamber, we will give you guys the biggest tax breaks in the world. You just hang on. In the meantime, because you are all going to vote "no," nothing happens. Okay? Because of the gridlock that you want to impose because of the death of Frank Lynch, nothing happens.

So when we leave here today, those big electric utility companies will keep sucking up that free money. They do not have to pay their fair share. They will get their break. Nobody will get a break on the CNI - big, small, or otherwise - and nobody will get any kind of break on NOL. That is what you want, gridlock and status quo. Well, let me commend you for doing a lot for business. And I have to say that God forbid if you guys get control of this Chamber, there will not be any friends of business left in Pennsylvania. We have done more for them than you have, yet you go around trying to espouse that you are their heroes. Sooner or later it will catch up to you, and it has started, as you well know.

Mr. President, I ask that we have an affirmative vote on this bill, that we stop the la-la land of debate, get down to the issue - either we do something or we do nothing. That is the bottom line of this thing. I hope we do something.

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

Senator BRIGHTBILL. Mr. President, I am not sure how we do this. I would like to have an opportunity to have read back to me the comments of the gentleman from Philadelphia, Senator Fumo, that were just made for purposes of potentially making a motion. Now, I know when I am in court I simply ask the court reporter to do that, but can that be done here?

The PRESIDENT. The Chair appreciates the gentleman's suggestion but respectfully declines. This is not a courtroom situation.

Senator BRIGHTBILL. I understand that, Mr. President.

The PRESIDENT. We have a number of things on the Calendar to deal with.

Senator BRIGHTBILL. So you are saying we are too busy. You think we are too busy, that is what you are saying, right, Mr. President?

The PRESIDENT. The Chair is simply suggesting that we should get on with the people's business.

Senator BRIGHTBILL. We are, Mr. President. We are in the people's House, and I think what gets said on the record is dam important to the people.

The PRESIDENT. The gentleman is perfectly welcome to review the record at his leisure after the Session.

Senator BRIGHTBILL. Mr. President, I was not part of the group that negotiated that budget in 1991, and what I thought I heard, and I talked to the Secretary of the Senate and he thought he heard something different, but what I thought I heard I believe attacks someone's motives, and I would like to make an objection to that, but it would be much easier to do that if we knew what the facts were as to whether or not something was said, because if I am correct, it ought to be stricken from the record. Now, maybe that is not important to the Chair, but I think it is important, Mr. President.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. Mr. President, I recall the debate being described by Senator Brightbill and I recall very clearly that you made a decision that it was in order, and at that particular time I think the fine lawyer from Lebanon should have objected and asked for an appeal of the ruling of the Chair. I believe that the timeliness of his objection is not proper, and I have no idea what rule he would want to use to try to get into something that could really cause chaos every day that we are in Session.

My point of parliamentary inquiry is that he is not timely in his objection, and would it not have been proper if it had been at the proper time?

The PRESIDENT. The gentleman is absolutely right. The

Chair finds the gentleman's point to be well-taken.

Senator BRIGHTBILL. I would like to see the rule, Mr. President, that says that you must make that—

The PRESIDENT. The Chair is not going to engage in a debate with a Member of the Senate on this subject. The gentleman has made a request. The Chair has respectfully denied the request on the basis that the request is not timely and is dilatory in nature. The Chair suggests that we get on with the business of the Chamber.

PARLIAMENTARY INQUIRY

The PRESIDENT. For what purpose does the gentleman rise?

Senator BRIGHTBILL. Point of parliamentary inquiry, sir.

The PRESIDENT. The gentleman will state his point.

Senator BRIGHTBILL. Mr. President, I would respectfully ask to see that in writing. I am more than happy — I have stood on this floor before and if I have said something that is out of line, I have apologized immediately. I would like to see in writing where an objection has to be made timely. Now, you have to understand, this is not a week later, this is not even a day later, this is right at the conclusion of the offending speech, Mr. President. So I would like to see it in writing, Mr. President.

The PRESIDENT. The Chair is not going to sit here and be yelled at in this fashion.

Senator LINCOLN. Mr. President, parliamentary inquiry.

Senator FUMO. Mr. President, point of personal privilege.

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

Senator FUMO. Mr. President, the gentleman continues to characterize the speech as offensive when it has already been ruled that it was not offensive. I take offense to that remark. If the gentleman would like me to apologize for telling the truth, I will gladly do that, if that is what he wants.

The PRESIDENT. The gentleman's point is well-taken, and as far as the gentleman from Lebanon, Senator Brightbill, is concerned, please understand the objection was made by the gentleman from Blair, Senator Jubelirer, quite correctly. His point was well-stated and well-crafted. It was the opinion of the Chair that the comments of the gentleman from Philadelphia, Senator Fumo, at the time were not ad hominem, they were not going toward anybody's motives and they were in order. At that time it would have been appropriate to appeal the ruling of the Chair. The Chair has made his ruling and the difficulty now is injecting a great deal of paperwork to dig up the material and rehash that again for no apparent purpose, and the Chair is going to stand by his ruling on the subject.

Does the gentleman wish to pursue the matter further?

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I believe that the gentleman from Philadelphia, Senator Fumo, in his comments attacked the motives of a class of people. I am not a member of that class.

The PRESIDENT. Does the gentleman wish to appeal the

ruling of the Chair? The gentleman is welcome to that course of action.

Senator BRIGHTBILL. Mr. President, I would like to stand at ease and let Mr. Corrigan show me in the manual.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. Mr. President, I believe the operation of the Senate is based on a well-set set of rules and precedents, and I think if the gentleman from Lebanon, Senator Brightbill, insists on this type of appeal or this type of motion that he should have to, in writing, show the grounds that he has for that particular action. I do not believe there is anything in our rules that gives him the right or any other ability to do that at this particular time.

The PRESIDENT. It may help the proceedings and perhaps satisfy the gentleman from Lebanon, Senator Brightbill, referring to Mason's, Chapter 16, Section 155, subparagraph 2, "A proposal for consideration must be proposed at an appropriate time. A motion may ordinarily be presented at any time when the motion could be acted upon. A proposal may not be presented when business having higher precedence is under consideration."

The Chair thanks the gentlemen and gentlewomen for their patience and would suggest that we move on with the consideration of Senate Bill No. 1190.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Lebanon—

Senator LINCOLN. Mr. President.

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

Senator LINCOLN. Mr. President, I believe the gentleman from Lebanon, Senator Brightbill, has spoken more than twice on this issue.

The PRESIDENT. The gentleman has. Is the gentleman from Fayette, Senator Lincoln, objecting to his speaking a third time?

Senator LINCOLN. I am objecting, Mr. President.

The PRESIDENT. That being the case, the Chair is prepared to recognize others who wish to speak on the matter.

The Chair recognizes the gentleman from Venango, Senator Peterson.

PARLIAMENTARY INQUIRY

Senator JUBELIRER. Mr. President, just a point of parliamentary inquiry, if I might.

The PRESIDENT. The gentleman will state his point.

Senator JUBELIRER. Mr. President, has the gentleman from Lebanon, Senator Brightbill, spoken twice or were they points of order? I think there is a difference. I think he was trying to raise a point. I do not know that he has spoken twice.

I do think that is really correct.

The PRESIDENT. The Chair thanks the gentleman and would agree that there is a difference between speaking out on the subject and raising points of order. We obviously allow points of order and so on. If the Chair has miscounted, the Chair apologizes to the gentleman from Lebanon. It was the Chair's impression that the gentleman had spoken twice.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. The Chair can count.

The PRESIDENT. Thank you very much, Senator.

And the question recurring,
Shall the bill pass finally?

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

Senator PETERSON. Mr. President, I am going to go back to the issue, because I think it is most important. I was interested by some of the discussion here tonight that this is something that business wants and it is something that will help business, I think the words were said. The State Chamber of Commerce is opposed to this package. The Northwest Manufacturers Association is opposed to this package. I believe the NFIB, the small business group in Pittsburgh, and as you go around the State, they do not want this package. And I wonder why? We are trying to have it portrayed here this evening that the gross receipts utilities tax will not be paid by business. Every bit of that 50 mills that is there is paid by all of us. And 63 percent of gross utility receipts tax with electricity is not paid by residential, it is paid by business or commercial or manufacturer. So the small manufacturer that we kept hearing about tonight who uses a lot of electricity will pay more. He will pay more with this tax shift, and that is why he or she is opposed to it. So it will not help small business. It is a tax shift. It will change who pays the business taxes, but unfortunately, it will not change it in the right direction.

I asked somebody, how do we tax these big, fat utility companies, as the Senator from Philadelphia, Senator Fumo, talks about? How do we really do that? There is no way to do it. Every dime of expense that we cause them—and taxes are expenses—in the end is paid by the ratepayer. Now, it may be a matter of time, maybe a couple of them are so fat that they will not get a rate increase for a year or a year and a half. I have been told by some people who know the issue better than I do that some of the utilities, and there are a lot of electric utilities across Pennsylvania, that this would give some an excuse to go in immediately for a rate increase who might not go in for a year. They would not only get the gross receipts tax but they would get some other expenses that they could include. And so the people in that district would not only pay the gross receipts tax but would be paying higher utility rates for other reasons.

There is no way to get at the fat cats, if that is what you want to call them—and some of them are—without the rates being paid by the people, by the businesses. I guess if we passed this tax package, I wonder if Floyd Warner, like Cliff

Jones used to, would design an ad and put it out in all the national magazines saying, come to Pennsylvania, we now have 11.99 percent corporate net income tax. Do you think that would attract them in? We now have a 1-year loss carryforward when every State in the northeast has a 15-year, and I think New Jersey and Ohio have 7. But come to Pennsylvania, and we will give you one for 1 year.

You know, we have heard a lot of discussion tonight, but I just want to tell you how I feel from the 25th District, and basically from western and northern Pennsylvania. If we do not deal with the business taxes meaningfully, and I mean this sincerely, if we do not deal with them soon, we are going to lose jobs in western Pennsylvania that we are going to be a decade rebuilding. Western Pennsylvania is in terrible economic shape. I do not know how bad it has to get in some of those rural counties in western Pennsylvania, including my county of Venango and the county of Fayette. How bad does it have to get? How many companies do we have to lose? How many people have to leave? How many companies have to downsize and move their businesses to other States? How much has to go bad before we realize?

Now, the thing that surprised me tonight in the testimony, I had spread the blame around among the leaders of both Caucuses that that package should have never gone to the Governor. And I blame the Governor, he should have never signed that business tax package because it was not a well-thought-out tax package and it was heavier than the job-creating sector of this economy could support. But I found out tonight who designed it. Now, if I designed it 2 years ago, I guess I would state that I designed it as the worst tax package I could think of, trying to get someone else to improve it. But I am not so sure that I would even want to admit to it.

I was a small business person. I am not a big finance person. I ran a small supermarket, but I paid workmen's compensation, I paid business taxes, I paid health care benefits for my employees. I ran a responsible business, and it is not easy out there. I fought the change. It was tough. But that was a lesson I learned and it is why I fight for small business. You know, government does not make prosperity, and Clinton has found that out already. He cannot spread prosperity around with a few pieces of legislation. We are in a competitive society, and the sooner we learn that and the sooner the membership of this body and the House and the Governorship learn that we are a competitive State, and if we do not have competitive business taxes and if we do not have competitive workmen's compensation, an environmental agency that is fair and timely in their processes, we are just not going to make it.

I urge the Members of both sides of this body to sit down and come up with some business tax cuts, because this does not send a good message to anybody and the business community has already said they do not want it. But if we do not do something, we are going to pay welfare benefits in place of it, and that is going to be more costly than cutting business taxes and people are going to have a lower lifestyle. You can make the difference. I can show you my counties. I will get the numbers if you want them, but the counties that used to

have good employment figures today have high welfare payments as the job bases have eroded, and that is continuing to happen county after county in many pockets of Pennsylvania, and if we do not compete with Ohio and if we do not compete with West Virginia, and anymore we do not even compete with New York, we are not going to have the jobs to pay taxes and we are going to be raising taxes again down the road because we are not going to have enough money because we do not have the jobs to create for the people to make the livings to pay the taxes.

At this time I would like to ask the Senator from Lebanon, Senator Brightbill, if he would stand for brief interrogation. I guess he does not want to.

The PRESIDENT. The Senator is not on the floor. Anybody else you want to talk to?

Senator PETERSON. Let us get serious about business tax cuts and sit down and negotiate a good package.

Thank you.

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

Senator JUBELIRER. Mr. President, this has been, I would like to say, an interesting debate, but I am not sure that that would have much credibility. But nevertheless, it is a debate on an issue that is extremely important and I do not minimize the importance of the issue. Mr. President, to the best of my knowledge, the business community—both in the Chamber of Business and Industry and the small business community—believes that this would set a very bad precedent and has urged a negative vote on this. So for us to listen to who is the friend of business, who is not, I think all of us in this body care very much about the economy of this State. It is how we go about it that makes a difference. We do not believe that this is the correct way to go about things in trading the various taxes, and regardless of the fact that there is a no-passthrough provision in the bill, we all know that it can be included in the next rate case. And I think that is somewhat, whether it be intentionally or not intentionally, and I do not suggest that it is intentional, but I think it is deceptive to the people of Pennsylvania to suggest that the electric ratepayers are not going to pay for this, because surely they are. And the so-called well-heeled electric utility companies, it is certainly not a protection to them, it is to the little guy. You know, I have heard about mom and pop and Joe six-pack, and I cannot wait to meet them, but it is the ordinary ratepayer who is eventually going to have to pay this through a rate case.

Mr. President, I think it is important at least to respond, to suggest that subchapter S corporation treatments for small business is some protection, and there was at least an allusion to that and when I raised the point of my objection to the characterization of protecting somebody's clients or whatever, I do not know who that meant and I do not think it is right to leave that on the record, and I think if that is an appropriate characterization and you allowed that, I think that I at least need to respond that I disagree vehemently with the gentleman from Philadelphia, Senator Fumo, in that kind of characterization. I can tell you, Mr. President, without equivocation, and

I think every Member of this Senate would have a similar story to tell, that when the Governor proposed the two taxes—one was to change the treatment of subchapter S corporations for small business and the other was to remove the manufacturer's exemption for the capital stock and franchise tax—there was an outcry that was far greater than anything I had ever heard. And certainly, it would be a knife in the heart of small business to ever change the treatment of the way they are taxed at the ordinary level for small businesses in the subchapter S, and that is a legitimate concern that many of us raised and I certainly would stand up, and I do not have clients, but I would stand up and suggest that that was the right thing to do, and we were at least able to get away from those two absolutely onerous proposals that would have done far greater harm not only to small businesses in Pennsylvania with subchapter S but the manufacturing community with the removal of the manufacturer's exemption for the capital stock and franchise tax. That was right to get rid of those two taxes. It was done—I think we had suggested it on this side but it was agreed to by the other side in both Houses, and fortunately, as onerous as that package was in 1991, it would have been far more severe had those two taxes been included in it, and I think that needs to be said on the record and I would suggest that nobody did this for personal gain. It was for Pennsylvania and small business in Pennsylvania.

And, Mr. President, as far as the negotiations of the taxes of the budget in 1993, I think it is fair to say, I think at least to respond, Mr. President, that that was given to us at lunch one day with an embargo put on it except for our chairman of the Committee on Appropriations, Senator Tilghman, that we were not allowed to share it with anybody, take it or leave it, and we said that we needed to discuss it, and frankly, that was the end of it. If that is a legitimate offer to participate in the process, well then, Mr. President, I would have to respectfully disagree, and I think the Members of our Caucus feel that they were indeed left out of the process because it was the intent of the then Majority Party in the Senate to pass the budget on their own both in the Senate and the House and send it to the Governor and do it early, and that is fine, but I think at least we ought to set the record straight that there certainly were not any great offers to participate, even though I had suggested to the other side on many times that we wanted to participate in the process, wanted to do it early, wanted to be involved, and it was only at the last minute we were given this take-it-or-leave-it-but-you-cannot-see-it type of thing, and their Members were not going to see it and our Members were not expected to see it as well, and we chose to reject that proposal because we are all elected here to represent our constituencies and we believe that we have the right to at least review the entire matter and discuss it, and at least have the leadership and the Appropriations people come in, explain it to us, and the Members would then be able to cast an intelligent vote.

Mr. President, as I said originally, I think the debate is somewhat, and without characterizing any Member's debate specifically, but overall I suggest that it has somewhat deteriorated. But I do think that there is a very significant difference

of opinion, and that is fair. I think, again, to suggest that one side is supporting business, others are protecting well-heeled utilities, is, frankly, nothing more than rhetoric that becomes somewhat outrageous and in the heat of the battle, and I suppose as we reach the end of this Session time it gets somewhat out of hand. And I would hope, Mr. President, that as, you are right, we will vote "no," and the gentleman from Lebanon, Senator Brightbill, I think correctly asked that the bill go over and at least maybe we can sit down and see if we can do some genuine negotiating. I do not know that there is much time left for that, to try to cut business taxes, at least in some small way, and send a signal to the business community not only in Pennsylvania but outside of the Commonwealth as well, because I know in my district, Mr. President, the Governor of Kansas has called my oldest business, the Governor of Texas, even the Governor of New Jersey. We used to make fun of New Jersey, and now even Governor Florio can call and say, we can do better than you. And is that not really something, Mr. President?

So I think that there is plenty of room for a difference of opinion, but I think all of us in this body believe that something truly needs to be done with the limited resources we have. And perhaps had we gotten to welfare reform, that might have generated some more money. And I must point out, Mr. President, there was a welfare reform package passed in this Senate in the last Session that was sponsored by the gentleman from Allegheny, Senator Fisher, and the gentleman from Bucks, Senator Greenwood, and some \$50 million was generated from that. It died in the House of Representatives. So when we were in charge we did indeed do something and we would like to do it again, so we introduced a discharge resolution in yesterday's Session to try to do that. We want to participate in the process. We do not expect to have it jammed down our throats, and, again, it has become a hallmark of the party that runs this Senate - take it or leave it; if you do not like it, this is the way it has to be. That is just not the way things are done. We are 24, you are 24. I said this before. If we are going to get anything done, it is going to take negotiation. We are going to put up the bill here sponsored by the gentleman from Cambria, Senator Stewart. We are going to reconsider Senate Bill No. 1126 tomorrow, and because of the ability to be able to negotiate with the gentleman from Cambria, Senator Stewart, and his staff, and Secretary Greenberg and his staff, we are going to get it done in a bipartisan effort and if we had the chance to do this too, perhaps we would get it done. But there is so much going on here in these last couple weeks, particularly this week, that it is impossible to get anything done with any degree of quality. To get it done fast is one thing, to get it done right is another, and, frankly, we are not getting things done right in too many cases.

So, Mr. President, I think we have a legitimate concern. We are prepared to cast what we believe is the right, responsible vote, but we are also leaving the door open for future negotiations to try to finally do something to send a signal to the business community of this Commonwealth that we are damn serious about getting the job done and doing it on a bipartisan

basis with compromise, negotiation, and everybody participating in the process and everybody having a right to speak their mind.

Mr. President, I thank you for the opportunity to make these remarks, and we are ready to roll it from this side.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, the previous speaker, the Minority Leader, from Altoona, a great railroad town, I think we are guilty on that side of the aisle and on this side of the aisle, to use an old railroad expression, when you are leveling tracks on the railroad, you take jacks and put them under each rail. Now, to be successful, both sides have to work the jacks together and raise the track up to level. But what we are doing here this evening is called cross-jacking. Someone is going up and someone is going down, and we are never going to get the problem solved and get the track level so the train can run, so it will not fall off. So both sides of this body are guilty of cross-jacking. Do you agree, Mr. Minority Leader?

But really, I stood on this floor less than a week ago and joined with 33 of my colleagues to do something for business. It was called workmen's comp reform. And although that was not a perfect bill, it was very difficult for me because at one time I was very lonesome. I was the only Democratic Senator from the west who was supporting that. But I did that because of business and jobs, both for large business and small business, because I represent an area that is on the border which is contiguous with Ohio and West Virginia, and we have experienced a job loss and people moving out of our region to get more competitive workmen's comp rates.

The tax issue has been discussed here for nearly 2 hours. Senate Bill No. 1190 is not perfect, but again, it is a classic case, as we said last week on workmen's comp, of a step in the right direction to reduce corporate net income taxes, to reduce and put back in place the net operating loss carryforward, because all of us in this Chamber know that the big employers of the past, the large plants and businesses, are downsizing. They are not growing. Those that are growing out there are smaller businesses, entrepreneurs who start off with six or eight or a dozen jobs and hope to grow. So those jobs are very risky, to go and expand your product line, and so forth, whatever you produce, and you do experience losses when you try to capture and move forward at the new markets, so it is important to reinstate the net operating loss carryforward. I think that while Senate Bill No. 1190 is not a perfect solution, it is something in the right direction, much as the way myself and 33 other people, Mr. President, voted for workmen's comp last week, and I urge a favorable vote for Senate Bill No. 1190. Let us quit cross-jacking. Let us level the track.

Thank you.

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

Senator AFFLERBACH. Mr. President, as I sat here for the past 2 hours listening to the debate, it occurred to me that all of this debate can be reduced to a few sentences: We have

heard about something we wanted to do, thought we did do, found out we did not do, had been told we should do but some still do not want to do and now we have a chance to do. It is time to move on from all the do-do.

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	Rhodes	Wenger

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

RECONSIDERATION OF SB 1190

BILL OVER IN ORDER ON FINAL PASSAGE

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

Senator JUBELIRER. Mr. President, I move that the vote by which Senate Bill No. 1190 failed on final passage be reconsidered and that the bill go over in its order.

The PRESIDENT. Senator Jubelirer moves that the vote by which Senate Bill No. 1190 failed on final passage be reconsidered and that the bill remain on the Calendar and be taken over in its order.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1190 will appear on the Final Passage Calendar.

PREFERRED APPROPRIATION BILL
RECOMMENDED

HB 1262 (Pr. No. 1379) -- The Senate proceeded to consideration of the bill entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

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

BILLS OVER IN ORDER

HB 6 and HB 27 — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED
AND OVER IN ORDER

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of himself and Senator ROB-BINS, by unanimous consent, offered the following amendment No. A3442:

Amend Sec. 3 (Sec. 4), page 3, line 19, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 3, line 22, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 3, line 30, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 4, line 5, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 4, line 10, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 5, line 1, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 5, line 17, by striking out the bracket before "Work"

Amend Sec. 3 (Sec. 5), page 5, line 17, by striking out "] Projects."

Amend Sec. 3 (Sec. 5), page 5, lines 19 and 20, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 6, line 25, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 6, line 27, by striking out the bracket before "Work"

Amend Sec. 3 (Sec. 5), page 6, line 27, by striking out "] Projects."

Amend Sec. 3 (Sec. 5), page 7, line 7, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 8, line 1, by striking out the bracket before "Within"

Amend Sec. 3 (Sec. 5), page 8, line 1, by inserting brackets before and after "two" and inserting immediately thereafter: four

Amend Sec. 3 (Sec. 5), page 8, line 4, by striking out the bracket after "department."

Amend Sec. 3 (Sec. 5), page 8, line 5, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 8, line 7, by striking out the brackets before and after "experience"

Amend Sec. 5 (Sec. 7), page 11, line 7, by striking out the brackets before and after "work experience"

Amend Sec. 5 (Sec. 7), page 11, line 9, by striking out the bracket before "Corpsmembers"

Amend Sec. 5 (Sec. 7), page 11, lines 14 through 19, by striking out "] Corpsmembers shall be excused" in line 14, all of lines 15 through 18 and "the provisions of this act." in line 19

Amend Sec. 8 (Sec. 12), page 14, line 8, by striking out the brackets before and after "work experience"

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.

BILL OVER IN ORDER

HB 85 — Without objection, the bill was passed over in its order at the request of Senator FUMO.

RECONSIDERATION OF HB 85

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

Senator JUBELIRER. Mr. President, I move that we reconsider the vote by which House Bill No. 85 went over in its order. I would like an opportunity to at least object to that and state the reasons on the record for that.

The PRESIDENT. Senator Jubelirer objects to House Bill No. 85 going over.

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, if the Minority Leader wants to vote on it, call it up for a vote.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

BILL ON THIRD CONSIDERATION

HB 85 (Pr. No. 478) — The Senate proceeded to consideration of the bill entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Corrections, to convey a tract of land in Lower Allen Township, Cumberland County, Pennsylvania, to Lower Allen Township.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator MOWERY. Mr. President, the reason I would like to have this bill considered is because it is a transfer of some ground over in Lower Allen Township for the Camp Hill penitentiary. The purpose of it is that the penitentiary would like to have the ground to build an emergency unit, and since we have had problems over there, I feel it is rather imperative that we provide the ground. This is just a transfer of ground so that an emergency building can be built for the Camp Hill penitentiary.

Thank you very much.

The PRESIDENT. The Chair thanks the gentleman for the explanation and the Chair senses a burst of collegiality coming on.

Senator LINCOLN. Do not get too anxious, sir.

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

Senator LINCOLN. Mr. President, this is one of quite a few land transfer bills that are being held up because of a question on a couple of the bills and I see no difference with this one than with any of the other ones. The gentlewoman from Philadelphia, Senator Jones, has one. There are about five or six of them. There are some that came out of committee in the last couple of days, and I would just ask for a negative vote on the bill.

The PRESIDENT. The Chair thanks the gentleman, as his bubble bursts.

And the question recurring,

Will the Senate agree to the bill on third consideration?

MOTION TO TABLE

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

Senator MOWERY. Mr. President, in light of the request for a "no" vote and rather than having the bill defeated, which is a very important bill, I would ask that the bill be tabled.

The PRESIDENT. Senator Mowery moves--

Senator LINCOLN. Mr. President, why not go over the bill like we intended to?

The PRESIDENT. Senator Mowery has moved that the bill be tabled.

Senator LINCOLN. Mr. President, I have no objection.

MOTION WITHDRAWN

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

Senator MOWERY. Mr. President, in a moment of reconsideration on my part, I withdraw my motion and ask that the bill go over for today.

The PRESIDENT. Senator Mowery withdraws his motion to table.

BILL OVER IN ORDER

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

Senator LINCOLN. Mr. President, I move that House Bill No. 85 go over in its order.

The PRESIDENT. Without objection, the bill will go over in its order.

BILL OVER IN ORDER

HB 143 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL REREFERRED

SB 182 (Pr. No. 1505) -- The Senate proceeded to con-

sideration of the bill entitled:

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

Senator LINCOLN. Mr. President, I move that Senate Bill No. 182 be rereferred to the Committee on Finance.

The PRESIDENT. Senator Lincoln moves that Senate Bill No. 182 be rereferred to the Committee on Finance.

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, would the gentleman from Fayette, Senator Lincoln, stand for brief interrogation on the motion to rerefer?

Senator LINCOLN. Mr. President, yes.

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

Senator JUBELIRER. Mr. President, would the gentleman indicate the reason for rereferring Senate Bill No. 182, which is a bill on tax reform that was amended yesterday and was at least indicated it was going to be further attempted to be amended today.

Senator LINCOLN. Mr. President, I think the question is very apropos for what we are doing. I think most of us who have been around the General Assembly for a while know that the tax reform issue has been one that has taken many, many years to go through the system, as it did several years ago when it finally made it to the ballot. In this case, we had a very comprehensive amendment offered and accepted to the bill yesterday. There were Members of my Caucus who wanted to take a look at that amendment before either voting for the bill on final passage or making a decision as to whether we should amend it further. I believe that the gentleman from Allegheny, Senator Dawida, has done an outstanding job in holding four public hearings around the State. He probably has the most expertise in our Caucus and maybe in the whole Senate to handle this issue, and I think I would feel comfortable with him taking a good, hard look at what was done and come back again maybe in the fall with some suggestions as to what we should be doing on tax reform.

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

Mr. President, many of us wanted to see the issue through, and I am sure that includes the President of the Senate, but we recognize the concerns that were expressed by the Democratic Leader and we would not object then to the motion.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT. Senate Bill No. 182 will be rereferred to the Committee on Finance.

BILLS OVER IN ORDER

SB 244, SB 308, SB 309 and SB 340 — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER

HB 353 (Pr. No. 2106) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as The Fiscal Code, further providing for the investment of moneys of the Commonwealth; and adding provisions relating to political subdivision procurement interest payments and relating to electronic filing.

On the question,

Will the Senate agree to the bill on third consideration?

STEWART AMENDMENT A3129

Senator STEWART, by unanimous consent, offered the following amendment No. A3129:

Amend Sec. 4 (Sec. 1602-C), page 12, line 2, by striking out "POLITICALLY" and inserting: politic

Amend Sec. 4 (Sec. 1605-C), page 14, line 17, by striking out "PRINCIPLE" and inserting: principal

Amend Sec. 4 (Sec. 1610-C), page 15, lines 29 and 30; page 16, lines 1 and 2, by striking out "FOR" where it appears the second time in line 29 and all of line 30, page 15 and all of line 1 and "AUTHORITY" in line 2, page 16

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?

STEWART AMENDMENT A3352

Senator STEWART, by unanimous consent, offered the following amendment No. A3352:

Amend Title, page 2, line 5, by inserting a period after "PAYMENTS"

Amend Title, page 2, lines 5 and 6, by striking out "AND" in line 5 and all of line 6

Amend Sec. 1 (Sec. 202.1), page 6, lines 29 and 30; page 7, line 1, by striking out all of said lines on said pages

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.

BILL OVER IN ORDER

SB 519 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER

SB 565 (Pr. No. 1449) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing an additional exclusion from sales tax.

On the question,

Will the Senate agree to the bill on third consideration?

Senator DAWIDA, on behalf of himself and Senator ARMSTRONG, by unanimous consent, offered the following amendment No. A3232:

Amend Title, page 1, line 10, by removing the period after "tax" and inserting:

; defining "investment company"; further defining "dividends" and "taxable income"; further providing for net gains or income from disposition of property; providing for the taxation of certain government obligations; and making a repeal.

Amend Bill, page 3, by inserting between lines 6 and 7:

Section 2. Section 301(f) of the act, amended March 17, 1978 (P.L.20, No.10), is amended and the section is amended by adding a clause to read:

Section 301. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning. Any reference in this article to the Internal Revenue Code shall include the Internal Revenue Code of 1954, as amended to the date on which this article is effective:

* * *

(f) "Dividends" means any distribution in cash or property made by a corporation, association [or], business trust[, (i)] or investment company with respect to its stock out of accumulated earnings and profits[, or [(ii)] out of earnings and profits of the year in which such dividend is paid: Provided, however, That the term "dividends" shall not include:

(i) a distribution of the stock of a corporation made by the corporation originally issuing same to its own stockholders if such distribution is not treated as personal income for Federal individual income tax purposes[.]; or

(ii) for taxable years beginning on or after January 1, 1993, a distribution made by an investment company out of earnings and profits derived from interest that is statutorily free from State and local taxation under Article XXIX of this act or the act of August 31, 1971 (P.L.395, No.94), entitled "An act exempting from taxation for State and local purposes within the Commonwealth certain obligations, their transfer and the income therefrom (including any profits made on the sale thereof), issued by the Commonwealth, any public authority, commission, board or other agency created by the Commonwealth, any political subdivision of the Commonwealth or any public authority created by any such political subdivision," or the laws of the United States.

* * *

(1.2) "Investment company" includes any incorporated or unincorporated enterprise registered with the Federal Securities and Exchange Commission under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80 a-1 et seq.).

Section 3. The first and third paragraphs of clause (3) of subsection (a) of section 303 of the act, amended July 13, 1987 (P.L.325, No.59), are amended to read:

Section 303. Classes of Income.—(a) The classes of income referred to above are as follows:

(3) Net gains or income from disposition of property. Net gains or net income, less net losses, derived from the sale, exchange or other disposition of property, including real [or personal, whether tangible or intangible] property, tangible personal property, intangible personal property or obligations issued on or after the effective date of this amendatory act by the Commonwealth, any public authority, commission, board or other agency created by the Commonwealth, any political subdivision of the Commonwealth or any public authority created by any such political subdivision, or by the Federal Government as determined in accordance with accepted accounting principles and practices. For the purpose of this act, for the determination of the basis of any property, real and personal, if acquired prior to June 1, 1971, the date of acquisition shall be adjusted to June 1, 1971, as if the property had been acquired on that date. If the property was acquired after June 1, 1971, the actual date of acquisition shall be used in determination of the basis.

The term "net gains or income" and "net losses" shall not include gains or income or loss derived from obligations which are statutorily free from State or local taxation under [any other act of the General Assembly of the Commonwealth of Pennsylvania] the act of August 31, 1971 (P.L.395, No.94), entitled "An act exempting from taxation for State and local purposes within the Commonwealth certain obligations, their transfer and the income therefrom (including any profits made on the sale thereof), issued by the Commonwealth, any public authority, commission, board or other agency created by the Commonwealth, any political subdivision of the Commonwealth or any public authority created by any such political subdivision," or under the laws of the United States. The term "sale, exchange or other disposition" shall not include the exchange of stock or securities in a corporation a party to a reorganization in pursuance of a plan of reorganization, solely for stock or securities in such corporation or in another corporation a party to the reorganization and the transfer of property to a corporation by one or more persons solely in exchange for stock or securities in such corporation if immediately after the exchange such person or persons are in control of the corporation. For purposes of this clause, stock or securities issued for services shall not be considered as issued in return for property.

Section 4. Section 401(3)1(b.1) of the act, added August 4, 1991 (P.L.97, No.22), is amended to read:

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

(3) "Taxable income." 1. ***

(b.1) An additional deduction shall be allowed from taxable income in the amount of any interest income from securities issued by the United States or agencies or instrumentalities thereof, to the extent included in Federal taxable income but exempt from the tax imposed by this article under the laws of the United States, but reduced by any interest on indebtedness incurred to carry the securities, any expenses incurred in the production of such interest income and any other expenses deducted on the Federal income tax return that would not have been allowed under section 265 of the Internal Revenue Code of 1986 (26 U.S.C. § 265) if the interest were exempt from Federal income tax. As used in the preceding sentence, "interest income" includes any amount received as a distribution or dividend from a regulated investment company, as defined in section 851 of the Internal Revenue Code, to the extent such distribution or dividend is derived from obligations free from State taxation under Article

XXIX of this act or securities issued by the United States or agencies or instrumentalities thereof.

Section 5. The act is amended by adding an article to read:

ARTICLE XXIX

GOVERNMENTAL OBLIGATIONS

Section 2901. Taxability of Government Obligations.—(a) Except as provided in subsections (b) and (c), all obligations, interest on obligations and income from obligations issued on or after the effective date of this section, by the Commonwealth, any public authority, commission, board or other agency created by the Commonwealth or any political subdivision of the Commonwealth or any political subdivision of the Commonwealth or any public authority created by any political subdivision of the Commonwealth shall at all times be free from taxation for State and local purposes within the Commonwealth.

(b) Government obligations described in subsection (a) shall continue to be subject to inheritance and estate taxes imposed by Article XXI.

(c) Profits, gains or income derived from the sale, exchange or other disposition of government obligations described in subsection (a) shall be subject to State or local taxation.

Amend Sec. 2, page 3, line 7, by striking out "2" and inserting: 6

Amend Bill, page 3, line 12, by striking out all of said line and inserting:

Section 7. The act of August 31, 1971 (P.L.395, No.94), entitled "An act exempting from taxation for State and local purposes within the Commonwealth certain obligations, their transfer and the income therefrom (including any profits made on the sale thereof), issued by the Commonwealth, any public authority, commission, board or other agency created by the Commonwealth, any political subdivision of the Commonwealth or any public authority created by any such political subdivision," is repealed with respect to obligations issued on or after the effective date of this section.

Section 8. This act shall take effect as follows:

(1) The amendment or addition of sections 301, 303, 401 and Article XXIX of the act and section 7 of this act shall take effect in 60 days.

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

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 569 (Pr. No. 1454) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Child Death Review Panel; requiring death investigations in the case of unexpected deaths of children 15 years of age and younger; and imposing a penalty.

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
Andrezski	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.

BILLS OVER IN ORDER

SB 601, SB 625, SB 661, HB 678, SB 683, SB 684, HB 695, HB 697, HB 698 and HB 712 — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 800 (Pr. No. 863) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for the titling of motor boats; and further providing for registration of boats.

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
Andrezski	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 813 (Pr. No. 1455) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the licensing and regulation of business colleges and for penalties.

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
Andrezski	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.

RECONSIDERATION OF SB 813

BILL OVER IN ORDER ON FINAL PASSAGE

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

Senator AFFLERBACH. Mr. President, I move that the vote by which Senate Bill No. 813 was defeated be reconsidered and that the bill go over in its order.

The PRESIDENT. Senator Afflerbach moves that the vote by which Senate Bill No. 813 was defeated be reconsidered and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 813 will appear on the Final Passage Calendar.

LEGISLATIVE LEAVE

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

Senator AFFLERBACH. Mr. President, Senator O'Pake has been called to his office and I request a temporary Capitol leave for Senator O'Pake.

The PRESIDENT. Senator Afflerbach requests a temporary Capitol leave for Senator O'Pake. The Chair hears no objection. The leave will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Belan, Senator Pecora, and Senator Bodack. Their temporary Capitol leaves will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 926 -- Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 955 (Pr. No. 1046) -- The Senate proceeded to consideration of the bill, entitled:

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.

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
Andrezski	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 OVER IN ORDER

SB 967 -- Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER

HB 986 (Pr. No. 2107) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for correcting certificates of title, for revocation or suspension of operating privilege, for judicial review of licensing, for required financial responsibility, for certification of mechanics, for vehicle widths and weights, for display of unauthorized indicators, for interference with traffic-control devices or signals, for court reports on transmission of funds, for snowmobile and all-terrain vehicle registration exemptions and reciprocity, for snowmobile and all-terrain vehicle penalties and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; regulating certain motor license fund expenditures; and making a repeal.

On the question,
Will the Senate agree to the bill on third consideration?
Senator LOEPER, by unanimous consent, offered the following amendment No. A3237:

Amend Title, page 1, line 1, by striking out "Title" and inserting: Titles 74 (Transportation) and

Amend Title, page 1, line 2, by inserting after "Statutes,": authorizing designation of and regulating outdoor advertising along a scenic byway; and

Amend Bill, page 1, by inserting between lines 18 and 19:

Section 1. Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

**CHAPTER 83
SCENIC HIGHWAYS**

Sec.

8301. Designation of State Route 476 as scenic byway.

§ 8301. Designation of State Route 476 as scenic byway.

(a) General rule.—Because of its outstanding scenic, historic, recreational, cultural and archeological characteristics, State Route 476, commonly known as the Blue Route, is designated as a scenic byway.

(b) Effect of designation.—No outdoor advertising device, as defined in section 3 of the act of December 15, 1971 (P.L.596, No.160), known as the Outdoor Advertising Control Act of 1971, may be erected:

(1) within 660 feet of the nearest edge of the right-of-way;

or

(2) more than 660 feet from the nearest edge of the right-of-way, outside of urban areas, if the sign is visible from the main-traveled way of the scenic byway and the purpose of the sign is that its message be read from the main-traveled way of the scenic byway, except:

(i) the official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);

(ii) outdoor advertising devices advertising the sale or lease of the real property upon which they are located;

(iii) outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at

reasonable intervals by electronic process or remote control; and
 (iv) directional signs, including, but not limited to, signs
 pertaining to natural wonders, scenic and historical attrac-
 tions and other points of interest to the traveling public
 which conform to the national standards promulgated by the
 Secretary of Transportation of the United States pursuant to
 23 U.S.C. § 131.

Amend Sec. 1, page 1, line 19, by striking out "1" and inserting:

2 Amend Sec. 1, page 1, line 20, by striking out "of the Pennsyl-
 vania Consolidated Statutes"

3 Amend Sec. 2, page 2, line 16, by striking out "2" and inserting:

4 Amend Sec. 3, page 4, line 12, by striking out "3" and inserting:

5 Amend Sec. 4, page 5, line 24, by striking out "4" and inserting:

6 Amend Sec. 5, page 7, line 17, by striking out "5" and inserting:

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

8 Amend Sec. 7, page 9, line 19, by striking out "7" and inserting:

9 Amend Sec. 8, page 13, line 21, by striking out "8" and inserting:

10 Amend Sec. 9, page 14, line 2, by striking out "9" and inserting:

11 Amend Sec. 10, page 14, line 5, by striking out "10" and insert-
 ing:

12 Amend Sec. 11, page 14, line 14, by striking out "11" and insert-
 ing:

Amend Sec. 11, page 14, line 15, by inserting after "The": addi-
 tion of 74 Pa.C.S. Ch. 83 and the

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?

Senator AFFLERBACH, on behalf of Senator O'PAKE, by
 unanimous consent, offered the following amendment No.
 A3048:

Amend Sec. 1, page 1, line 19, by striking out "definition" and
 inserting: definitions

Amend Sec. 1, page 1, line 19, by inserting after "car": and
 "school bus"

Amend Sec. 1, page 1, line 20, by striking out "is" and inserting:
 are

Amend Sec. 1 (Sec. 102), page 2, by inserting between lines 14
 and 15:

"School bus." A motor vehicle which:

(1) is designed to carry 11 passengers or more, including the
 driver; and

(2) is used for the transportation of preprimary, primary or
 secondary school students to or from public, private or parochial
 schools or events related to such schools or school-related ac-
 tivities.

The term does not include a motor vehicle used to transport
 preprimary, primary or secondary school students to or from public,
 private or parochial schools or events related to such schools or
 school-related activities, which is designed to carry 11 to 15 passen-
 gers, including the driver, and which is registered in this Common-
 wealth as a bus prior to [March 1] September 15, 1993.

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 AFFLERBACH.

BILLS OVER IN ORDER

SB 1011, HB 1011, SB 1193, SB 1213 and SB 1214 --
 Without objection, the bills were passed over in their order at
 the request of Senator AFFLERBACH.

BILL ON THIRD CONSIDERATION
 AND FINAL PASSAGE

HB 1416 (Pr. No. 2221) -- The Senate proceeded to con-
 sideration of the bill, entitled:

An Act providing for the eligibility of certain persons for licen-
 sure to practice chiropractic and for colleges' notice as to ac-
 creditation; and making a repeal.

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
Andrezski	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 OVER IN ORDER

HB 1609 and HB 1709 -- Without objection, the bills were
 passed over in their order at the request of Senator AFF-
 LERBACH.

SECOND CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

SB 1061 (Pr. No. 1502) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AMENDED

HB 52 (Pr. No. 2260) — 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, 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, 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.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment No. A3487 and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 5, by striking out "TAX TRANSFER" and inserting: transfer tax

Amend Title, page 1, line 14, by inserting after "COMMISSION," the State System of Higher Education

Amend Title, page 1, lines 17 and 18, by striking out "TO THE DEFERRED MAINTENANCE ACCOUNT"

Amend Sec. 3, page 6, line 9, by inserting after "COMMISSION," the State System of Higher Education

Amend Sec. 5, page 10, line 4, by striking out "EDUCATIONAL FACILITIES,"

Amend Sec. 5, page 10, line 17, by striking out "EDUCATIONAL FACILITIES,"

Amend Sec. 8, page 23, line 18, by striking out "BOND REVENUES AND"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 103 (Pr. No. 2259) — 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, 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.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILL OVER IN ORDER

SB 737 — Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

LEGISLATIVE LEAVE

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

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

SECOND CONSIDERATION CALENDAR RESUMED**BILL ON SECOND CONSIDERATION AND REREFERRED**

HB 816 (Pr. No. 2258) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILL OVER IN ORDER

SB 889 — Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILLS ON SECOND CONSIDERATION

HB 1009 (Pr. No. 1551) — The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 1010 (Pr. No. 1552) — The Senate proceeded to consideration of the bill, entitled:

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.

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

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 AFFLERBACH.

BILLS ON SECOND CONSIDERATION

SB 1227 (Pr. No. 1480) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing disposition of land of the Department of Transportation located in the second ward of Pittsburgh.

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

SB 1241 (Pr. No. 1500) — The Senate proceeded to consideration of the bill, 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.

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

BILL OVER IN ORDER

HB 1281 — Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILL ON SECOND CONSIDERATION

HB 1340 (Pr. No. 1914) — The Senate proceeded to consideration of the bill, entitled:

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 acknowledgement of paternity.

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

SENATE RESOLUTION NO. 7, CALLED UP

Senator AFFLERBACH, without objection, called up from page 13 of the Calendar, **Senate Resolution No. 7**, entitled:

A Resolution proposing a special rule of practice and procedure in the Senate when sitting on impeachment trials.

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

On the question,
Will the Senate adopt the resolution?

Senator LEWIS offered the following amendment No. A3480:

Amend First Resolve Clause, page 5, lines 27 through 29, by striking out all of said lines and inserting:

1. That in trial of any impeachment, unless otherwise ordered by the Senate, the President pro tempore of the Senate or, if the President pro tempore is unavailable, the President of the Senate shall appoint a committee of

Amend First Resolve Clause, page 6, line 3, by striking out ", and for" and inserting: . For

Amend First Resolve Clause, page 6, line 6, by inserting after "PRESIDENT": pro tempore or, if the President pro tempore is unavailable, by the President

Amend First Resolve Clause, page 7, line 4, by inserting after "PRESIDENT": pro tempore or, if the President pro tempore is unavailable, the President

Amend First Resolve Clause, page 7, line 8, by inserting after "THE" where it appears the first time: President pro tempore of the Senate or the

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

On the question,
Will the Senate adopt the resolution, as amended?

SENATE RESOLUTION NO. 7, OVER IN ORDER, AS AMENDED

Senator AFFLERBACH. Mr. President, I move that Senate Resolution No. 7, as amended, go over in its order.

The PRESIDENT. Without objection, Senate Resolution No. 7, as amended, will go over in its order.

HB 1281 CALLED UP

HB 1281 (Pr. No. 2135) — Without objection, the bill, which previously went over in its order, was called up, from page 13 of the Second Consideration Calendar, by Senator AFFLERBACH.

BILL ON SECOND CONSIDERATION

HB 1281 (Pr. No. 2135) -- 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, providing special occasion permits for fraternal benefit societies; and providing for legal opinions.

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. Consent is given for the following committee meetings to be held during today's Session: the Committee on Rules and Executive Nominations to consider Senate Bill No. 1052 and certain nominations, and the Committee on Appropriations to consider House Bills No. 84, 829, 1462, and Senate Bill No. 820.

**UNFINISHED BUSINESS
REPORT FROM COMMITTEE**

Senator LEWIS, from the Committee on Judiciary, reported the following bill:

HB 1003 (Pr. No. 2134)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Constable Education and Training Program and for powers and duties of constables; and making repeals.

SENATE RESOLUTION

**URGING THE DEPARTMENT OF
ENVIRONMENTAL RESOURCES TO REVIEW
AND RECLASSIFY NONATTAINMENT AREAS
FOR FEDERAL OZONE STANDARDS**

Senators BELAN, LINCOLN, FISHER, BODACK, STOUT and DAWIDA offered the following resolution (**Senate Resolution No. 66**), which was read, considered and adopted:

In the Senate, June 22, 1993

A RESOLUTION

Urging the Department of Environmental Resources to review and reclassify nonattainment areas for Federal ozone standards.

WHEREAS, Recently released data from the Environmental Protection Agency has indicated that many areas in this Commonwealth came into compliance with Federal ozone pollution standards; and

WHEREAS, Nine of 41 areas in the United States which showed improvement in ozone levels were in this Commonwealth; and

WHEREAS, According to the Environmental Protection Agency, from 1989 to 1991 Altoona, Erie, Harrisburg, Johnstown, Lancaster, Reading, York and Sharon all met Federal ozone pollution standards; and

WHEREAS, According to the Environmental Protection Agency, all areas outside of the five-county Philadelphia region met the Federal ozone standard, and the Department of Environmental Resources

air quality information shows a steady decline in the number of days ozone pollution exceeded Federal standards over the last five years; and

WHEREAS, The Department of Environmental Resources data indicate that Allegheny County was without incidents of exceeding Federal ozone levels in 1990, 1991 and 1992; and

WHEREAS, Southwestern Pennsylvania is designated a moderate nonattainment area; and

WHEREAS, As a moderate nonattainment area, southwestern Pennsylvania will be required to reduce volatile organic compounds (VOC) by 1996; and

WHEREAS, A 15% reduction in VOCs will result in hundreds of businesses expending millions of dollars in pollution control equipment; and

WHEREAS, Failure to comply will result in the withholding of Federal highway funds; and

WHEREAS, Federal sanctions for noncompliance will result in prohibiting new businesses from opening; and

WHEREAS, Immense job loss and economic dislocation will occur; therefore be it

RESOLVED, That the Senate urge the Department of Environmental Resources to undertake a review of the moderate nonattainment status of southwestern Pennsylvania; and be it further

RESOLVED, That the Senate urge the Department of Environmental Resources to determine the status of other nonattainment areas of this Commonwealth; and be it further

RESOLVED, That the Senate urge the Department of Environmental Resources to proceed in requesting an expedited reclassification from the Environmental Protective Agency of the nonattainment status of southwestern Pennsylvania based on the latest data available; and be it further

RESOLVED, That the Senate urge the Department of Environmental Resources to determine whether other nonattainment areas should be reclassified and, thus, reclassification requests be expedited; and be it further

RESOLVED, That the Senate urge the Department of Environmental Resources to vigorously seek reclassification prior to November 15, 1993.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. David J. Krauser by Senators Armstrong and Bortner.

Congratulations of the Senate were extended to Mary Novotny by Senator Belan.

Congratulations of the Senate were extended to Jason Lee Dietz, Ronald Lee Trimmer and to Norman L. Walters by Senator Bortner.

Congratulations of the Senate were extended to Linda Van Note by Senator Fumo.

Congratulations of the Senate were extended to Wanda Margevicius by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Murven John Witherel by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Allen Williams by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Nicholas Hallahan by Senator Holl.

Congratulations of the Senate were extended to Diane-Marie Fabiano by Senators Holl and Greenleaf.

Congratulations of the Senate were extended to Dr. Karin C. Bivins and to Kathryn A. Yorkievtz by Senator Jones.

Congratulations of the Senate were extended to Bob Bednarczyk by Senator Mellow.

Congratulations of the Senate were extended to Donna Bratton Bower by Senators Mowery and Shumaker.

Congratulations of the Senate were extended to Michael Gogick by Senator Musto.

Congratulations of the Senate were extended to the Corpsmembers and staff of the Berks County Youth Corps by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert Hasbrouck by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Francis A. Terrizzi, Mr. and Mrs. William I. Piper, Mr. and Mrs. Walter F. Hull, Mr. and Mrs. George Errett, Diana Marie Steck and to Anna Mickanin by Senator Porterfield.

Congratulations of the Senate were extended to the citizens of Wind Gap Borough by Senator Reibman.

Congratulations of the Senate were extended to Sister Stephanie Campbell, Wesbury United Methodist Community of Meadville and to Robison Elementary School of Erie by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Morris Waxman and to Harry Aaron Rubin by Senator Salvatore.

Congratulations of the Senate were extended to Jean B. Scharf by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. George W. Cratty by Senator Shaffer.

Congratulations of the Senate were extended to William R. Baker, Dr. Bernard I. Zeliger and to Allen Shaffer by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Chimka, Mr. and Mrs. Mario Pedatella and to Jeremiah E. Cessna by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Glen E. Cunningham and to Mr. and Mrs. Frank Huffman by Senator Stout.

Congratulations of the Senate were extended to Commandant James R. Aubrey and the staff of the Southeastern Pennsylvania Veterans' Center by Senator Tilghman.

BILL ON FIRST CONSIDERATION

Senator DAWIDA. 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:

HB 1003.

And said bill having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

LEGISLATIVE LEAVE CANCELLED

Senator AFFLERBACH. Mr. President, would you recognize the presence of Senator Jones, please.

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

SPECIAL ORDER OF BUSINESS NOMINATION TAKEN FROM THE TABLE AND RECOMMITTED

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

Senator AFFLERBACH. Mr. President, I am about to ask for a brief recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations and a meeting of the Committee on Appropriations to take place in the Rules room. The meeting of the Committee on Rules and Executive Nominations will have first preference.

Prior to that, however, as a special order of business, I would call from the table the executive nomination of Marvis K. Frazier and move that that be recommitted to the Committee on Rules and Executive Nominations. For purposes of information for the Members, this is to correct a technical problem and it is nothing more than that.

The PRESIDENT. Senator Afflerbach, as a special order of business, calls from the table the nomination of Marvis K. Frazier and moves that it be recommitted to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. The nomination will be recommitted to the Committee on Rules and Executive Nominations.

SENATE RESOLUTION

DISCHARGING THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS FROM FURTHER CONSIDERATION OF SENATE BILL NO. 416, PRINTER'S NO. 439

Senators JUBELIRER, LOEPER, HART, FISHER, CORMAN, ARMSTRONG, MADIGAN, SHUMAKER, HELFRICK, LEMMOND, RHOADES, BELL, BRIGHTBILL, MOWERY, ROBBINS, PETERSON and WENGER offered the following resolution, which was read as follows:

In the Senate, June 22, 1993

A RESOLUTION

Discharging the Committee on Intergovernmental Affairs from further consideration of Senate Bill No. 416, Printer's No. 439.

RESOLVED, That Senate Bill No. 416, Printer's No. 439, entitled "A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the Commonwealth," having been referred to the Committee on Intergovernmental Affairs on February 5, 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. The resolution will be placed on the

Calendar.

SENATE AT EASE

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

Senator AFFLERBACH. Mr. President, if we may now stand at ease for a few moments for the Committee on Rules and Executive Nominations to meet in the Rules room, to be followed by a meeting of the Committee on Appropriations at the same location.

The PRESIDENT. Without objection, the Senate will be at ease while we conduct two meetings. First, the Committee on Rules and Executive Nominations, followed by the Committee on Appropriations, both meetings to take place in the Rules room at the rear of the Senate Chamber.

For that purpose, the Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER (William J. Stewart) in the Chair.

REPORTS FROM COMMITTEES

Senator AFFLERBACH, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 1052 (Pr. No. 1524) (Amended) (Rereported)
(Concurrence)

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

Senator FUMO, from the Committee on Appropriations, reported the following bills:

SB 820 (Pr. No. 893) (Rereported)

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," creating an operating reserve fund.

HB 84 (Pr. No. 2223) (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.

HB 829 (Pr. No. 1180) (Rereported)

An Act designating a bridge over the Allegheny River in Allegheny County, as the Jonathan Hulton Memorial Bridge.

HB 1462 (Pr. No. 2280) (Amended) (Rereported)

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 and for money paid into the State Store Fund.

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,
PHILADELPHIA COUNTY

April 22, 1993

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

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

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

May 28, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Gleason, Jr., 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, vice Frank A. Ursomarso, whose term expired.

ROBERT P. CASEY
Governor

NOMINATIONS LAID ON THE TABLE

Senator AFFLERBACH. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

COMMUNICATIONS FROM THE
ACTING GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDING OFFICER laid before the Senate communications in writing from the office of His Excellency, the

Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Acting Governor:

SB 181 and SB 1025.

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

The PRESIDING OFFICER 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 BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS**

June 22, 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 my nomination dated April 14, 1993 for the appointment of Donna A. Frisby, 706 North Franklin Street, Apartment 1R, Philadelphia 19123, Philadelphia County, First Senatorial District, 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 her successor is appointed and qualified, vice Gude Wimbish, Philadelphia, whose term expired.

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 BOARD OF TRUSTEES
OF EBENSBURG CENTER**

June 22, 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 my nomination dated April 14, 1993 for the appointment of Ruth W. Kline, 210 East Horner Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice James E. Porcher, Johnstown, resigned.

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 PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION**

June 22, 1993

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

In accordance with the power and authority vested in me as Ac-

ting Governor of the Commonwealth, I do hereby recall my nomination dated April 16, 1993 for the reappointment of Juan Cruz, Jr., 1236 East Fifth Street, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1996 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 ELK COUNTY
BOARD OF ASSISTANCE**

June 22, 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 my nomination dated April 15, 1993 for the appointment of Patricia Dozor (Democrat), 554 Brussels Street, St. Marys 15857, Elk County, Twenty-fifth Senatorial District, as a member of the Elk County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

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 ELK COUNTY
BOARD OF ASSISTANCE**

June 22, 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 my nomination dated April 15, 1993 for the appointment of Karen Roberts (Democrat), 421 Parade Street, St. Marys 15857, Elk County, Twenty-fifth Senatorial District, as a member of the Elk County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

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 CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 694** and **871**, with the information the House has passed the same without amendments.

**HOUSE RECEDES FROM ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE**

The Clerk of the House of Representatives informed the Senate that the House has receded from its amendments non-concurred in by the Senate to **SB 691**.

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 22, 1993

HB 194 -- Committee on Local Government.

HB 337 -- Committee on Environmental Resources and Energy.

HB 633 and **1420** -- Committee on Judiciary.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed in the presence of the Senate:

SB 691, 692, 694, 871, HB 838 and **1548**.

PARLIAMENTARY INQUIRY

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

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

The PRESIDING OFFICER. The gentleman will state his point.

Senator LINCOLN. Mr. President, if A and B equals C -- I want to see how quickly the Parliamentarian can come back to your rescue, because I have been up there. There he is. I have been up there, Senator Stewart, and I know what it feels like.

The PRESIDING OFFICER. Senator, the A plus B equals C was last month's debate.

(Laughter.)

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, earlier this evening I introduced legislation, together with other Members of the Senate, that would call for an amendment to the School Code which would provide some further amendments to Act 88 of last Session. As the Members may remember, Act 88 of last Session was Senate Bill No. 727, a bill that was sponsored by now Congressman Jim Greenwood, but former Senator Jim Greenwood, to deal with the issue of strikes in the public school system across the Commonwealth. There were a variety of changes made in that amendment by not only placing Act 195 into the School Code but also making some changes principally in the timetable for negotiations and providing some other mechanisms which changed the manner in which con-

tracts among professional employees within the school districts would be negotiated.

During the past fiscal year, which is the first fiscal year that Act 88 was in effect in this Commonwealth, there were 131 school districts that negotiated contracts, with 107 contracts settled and 27 contracts--which even today as I am speaking, on June 22--are unsettled. It is my belief, Mr. President, and really my concern and the reason that I introduced the legislation that with these 24 contracts that remain unsettled in June of 1993 for the previous school year, and with the fact that 101 school districts are continuing to negotiate on contracts that need to be signed by late August of 1993, that in fact one of my predictions, and when I rose on the floor of the Senate a year and a half or so ago in dealing with Act 88, may in fact come true. I am very hopeful that perhaps the changes in the law that were put in place will work, but, Mr. President, I believe one of the changes that the Senate and the House decided not to consider, that being the requirement that there be some economic loss on both sides in the event that a strike occurs, is something that we need to consider.

Mr. President, that is why I have introduced legislation with my colleagues to call for that. The bill would basically say that a school board would not be required to reschedule days beyond June 15 or over the Christmas holiday in the event of a strike. That would mean that certain days would not be available for makeup days. It would mean that in fact the 180 days perhaps could not be attained if a school strike occurred. That would also mean that teachers would lose pay and that the school district would lose that part of their subsidy that reflected the amount of the teacher's salary that was not paid for the lost days.

Mr. President, as I said, I hope Act 88 works, but when I look at the statistics of 24 unresolved contracts this year and 101 out of 160--some contracts unresolved for next year, I am concerned that the package we approved was not a total package. I hope that the Senate will be in a position where we can consider that legislation. I recognize that it is unlikely that we will consider it anymore this June, but I am very hopeful that the Senate will be back here in September so that if in fact the need arises, this legislation can be considered so that the students in Pennsylvania would not be affected. In fact, there were 71,000 students affected last year by strikes. I would hope that we would be in a position to be here in Session so we could deal with that legislation if it was needed so that 71,000 or more students would not be affected by strikes this fall across the Commonwealth of Pennsylvania.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair thanks the gentleman.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 1**

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS AS AMENDED**

BILL OVER IN ORDER

SB 1052 -- Without objection, the bill was passed over in

its order at the request of Senator LINCOLN.

RECONSIDERATION OF SB 1126

BILL OVER IN ORDER ON FINAL PASSAGE

Senator LINCOLN. Mr. President, I move that the vote by which Senate Bill No. 1126 failed on final passage be reconsidered and that the bill be placed on the Calendar tomorrow.

The PRESIDING OFFICER. Senator Lincoln moves that the vote by which Senate Bill No. 1126 was defeated be reconsidered.

The motion was agreed to.

The PRESIDING OFFICER. Senate Bill No. 1126 will appear on the Calendar.

RECESS

The PRESIDING OFFICER. 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.

Just for the information of the Members, I am going to move that we recess to the call of the President, and I fully expect that the President will call us back in Session at 11 a.m. tomorrow morning.

The PRESIDING OFFICER. Senator Lincoln moves that the Senate do now recess to the call of the President, with the editorial that it will be 11 a.m. tomorrow.

The Senate stands in recess.

AFTER RECESS

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

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

REPORT FROM COMMITTEE

Senator SCANLON, from the Committee on Banking and Insurance, reported the following bill:

HB 351 (Pr. No. 2224) (Amended) (Rereported)

An Act providing for financial institutions' security; establishing the Banking Resolution Fund and providing for its administration; and conferring powers and duties on the Secretary of Banking, the Department of Banking.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED REREFERRED

HB 351 (Pr. No. 2224) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for financial institutions' security; establishing

the Banking Resolution Fund and providing for its administration; and conferring powers and duties on the Secretary of Banking, the Department of Banking.

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1462 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Wednesday, June 23, 1993, at 1:15 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.