

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 23, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 42

SENATE

WEDNESDAY, June 23, 1993

The Senate met at 1:15 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Reverend CHARLES E. FAIR, Sr., Pastor of the Alsace Lutheran Church, Reading, offered the following prayer:

Let us pray.

Our Father and our God, who art the same yesterday, today, and forever, we adore You as the omnipotent God who was here when Columbus reached these shores. You were here when the pilgrims landed at Plymouth Rock, You were here when Washington wintered at Valley Forge, and You are here today with this nation and the Commonwealth of Pennsylvania. Today we thank You for the miracle of life, the adventures of life, memories of life, and friends who make life worth living. We thank You for Your healing power that is necessary in healing lives, renewing the sick, rebuilding broken bodies, and comforting confused minds. Especially we thank You for the healing power released in those great hospitals in Pittsburgh and Philadelphia, for the miracle of surgery in the lives of Governor Casey and Senator Specter. Continue to renew their energy and restore them to health through the wonders of medical science and the wonders of the Great Physician.

And now, guide and direct the Members of this Senate as they wind down their Session in reaching right decisions for the benefit of all citizens of this Commonwealth. Under the protection and wisdom of the Master of this universe who is King of Kings and Lord of Lords, Amen.

The PRESIDENT. The Chair thanks Reverend Fair, who is the guest this day of Senator O'Pake.

PERMISSION TO ADDRESS THE SENATE

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

Senator O'PAKE. Mr. President, I would like my colleagues to know, and hopefully ask them to join with me in thanking Pastor Fair. He is retiring this October, after 33 years of dedicated and compassionate service as pastor of the Alsace Lutheran Church in Reading. He is also, this week, celebrating his 40th wedding anniversary. Pastor Fair, I do not know what

we are going to do without you. We will miss you.

He still has a radio ministry every Sunday, and his commitment and his skills as a preacher and a true man of the cloth and a man of God are unmatched in our area.

Mr. President, I would like the Senate to extend a happy retirement to Pastor Fair. He will have a lot of time now to watch the Pittsburgh Pirates, which is still his favorite team, even though he has moved to the east.

Pastor Fair, thank you.

The PRESIDENT. The Chair concurs and joins Senator O'Pake in congratulating Reverend Fair, and thanks him once again for his duties performed so eloquently this afternoon.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 22, 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 MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 163**.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 880, 970 and 1098**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

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

June 23, 1993

HB 24 -- Committee on Agriculture and Rural Affairs.

HB 145 -- Committee on Judiciary.

HB 1512 -- Committee on Education.

BILLS INTRODUCED AND REFERRED

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

June 22, 1993

Senators MOWERY, HART and MADIGAN presented to the Chair **SB 1243**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "basic contribution rate" by providing for additional employee contributions.

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

Senator MOWERY presented to the Chair **SB 1244**, entitled:

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

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

Senator HOLL presented to the Chair **SB 1245**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for issuance and content of driver's license.

Which was committed to the Committee on TRANSPORTATION, June 22, 1993.

Senators TILGHMAN, HOLL, GREENLEAF, LOEPER, BELL and LEWIS presented to the Chair **SB 1246**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing school districts in counties of the second class A to adopt annual budgets on a delayed basis.

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

Senator O'PAKE presented to the Chair **SB 1247**, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," providing for exclusion of certain contracts.

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

GENERAL COMMUNICATIONS**1992 ACTUARIAL EVALUATION OF THE UNEMPLOYMENT COMPENSATION PROGRAM**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Labor and Industry
Harrisburg, Pennsylvania 17120

June 18, 1993

Honorable Mark R. Corrigan
Secretary of the Senate
Senate Post Office
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan,

As required by the Unemployment Compensation Law, enclosed you will find a copy of the 1992 Actuarial Evaluation, Financial Operations of the Pennsylvania Unemployment Compensation Program.

This report is based upon projections by the Wharton Econometric Forecasting Associates.

If you have any questions regarding this report, please feel free to contact the Office of Legislative Affairs at 787-5087.

Sincerely,

THOMAS P. FOLEY
Secretary

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

ANNUAL REPORT ON CUSTOMIZED JOB TRAINING PROGRAMS

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

COMMONWEALTH OF PENNSYLVANIA
Department of Education
333 Market Street
Harrisburg, PA 17126-0333

June 16, 1993

The Honorable John J. Zubeck
Chief Clerk
House of Representatives
Main Capitol Building
Harrisburg, Pennsylvania

The Honorable Mark R. Corrigan
Secretary
The State Senate
Main Capitol Building
Harrisburg, Pennsylvania

Dear Messrs. Zubeck and Corrigan:

Secretary Carroll has asked me to transmit to you the attached report on customized job training programs operated during 1992 under the authority of Act 116 of 1985. The report is submitted pursuant to the provisions of Act 116.

If you need additional information, please call me at 7-7575.

Sincerely,

RITA C. FREALING
Director of Government Relations

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

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

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

Mr. George B. Wolff as a member of the Chesapeake Bay Commission.

BILL SIGNED

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

HB 163.

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

The SECRETARY. Consent is given for the following committees to meet during today's Session: the Committee on Rules and Executive Nominations, to consider Senate Bills No. 1098, 880, and 970; and the Committee on Environmental Resources and Energy, to consider final form EQB regulations.

REMARKS ON VOTE

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

Senator FATTAH. Mr. President, I would like to have the record reflect that even though I was not in my seat at the time of the vote on House Bill No. 185, the assault weapons ban, I would have voted in the negative. My leadership voted me in favor of that and I would like to be recorded in the Journal as being against House Bill No. 185.

Thank you very much.

The PRESIDENT. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, to further establish the fact that Senator Fattah was voted wrong, in the confusion of the night, I personally cast his vote. He was on leave and I did vote him wrong. I would like the record to reflect that he was very much opposed to that bill and he has been a gentleman about the mistake that I made, but I definitely did make a mistake.

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

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator O'Pake, and Senator Williams.

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Robbins.

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

Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator O'Pake, and Senator Williams.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator O'Pake has returned. He will be removed from temporary Capitol leave.

DISCHARGE PETITIONS

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

In the Senate, June 23, 1993

A PETITION

To place before the Senate the nomination of Rosalyn K. Robinson, Esquire, as Judge of the Court of Common Pleas of Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rosalyn K. Robinson, Esquire, Philadelphia, Pennsylvania, as Judge of the Court of Common Pleas of Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 23, 1993

A PETITION

To place before the Senate the nomination of Thomas J. Elliott, Esquire, as a member of the Pennsylvania Securities Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Thomas J. Elliott, Esquire, Blue Bell, Pennsylvania, as a member of the Pennsylvania Securities Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 23, 1993

A PETITION

To place before the Senate the nomination of Ron Diehl as the Prothonotary of Westmoreland County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Ron Diehl, Greensburg, Pennsylvania, as the Prothonotary of Westmoreland County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LINCOLN offered the following resolution, which was read as follows:

In the Senate, June 23, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 22, 1993, unless sooner recalled by the President of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 28, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of June 28, 1993, it reconvene on Monday, September 27, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of September 27, 1993, it reconvene on Monday, October 4, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 4, 1993, it reconvene on Tuesday, October 12, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 12, 1993, it reconvene on Monday, November 22, 1993, unless sooner recalled by the Speaker of the House of Representatives.

Senator LINCOLN asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,
Will the Senate adopt the resolution?

JUBELIRER AMENDMENT

Senator JUBELIRER offered the following amendment to the resolution, which appeared as follows:

Amend Resolution, page 1 by striking out all of said page and inserting:

RESOLVED, (the House of Representatives concurring) that, when the Senate adjourns this week, it reconvene on Monday, August 2, 1993, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of August 2, 1993, it reconvene on Monday, September 20, 1993, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of September 20, 1993, it reconvene on Monday, September 27, 1993, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, June 28, 1993, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of June 28, 1993, it reconvene on Monday, September 27, 1993, unless sooner recalled by the Speaker of the House of Representatives.

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

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

Senator JUBELIRER. Mr. President, could we request that the amendment be read at length, because I do not think anybody knows what it is, and I think it would save time in the long run.

The PRESIDENT. Actually, the Chair tends to agree with that suggestion.

LEGISLATIVE LEAVE

The PRESIDENT. Prior to the reading of the amendment though, the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, Senator Jones has called and said she is delayed with constituents in her office, and I would request a temporary Capitol leave for her.

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Jones. There being no objection, that leave will be granted.

LEGISLATIVE LEAVE CANCELLED

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

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

The PRESIDENT. At the request of Senator Jubelirer, with the acquiescence of the Chair and the Majority, the Chair hereby directs the clerk to read the amendment in its entirety.

(The Clerk read the amendment.)

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

Senator JUBELIRER. Mr. President, I would like to speak on the amendment to the adjournment resolution.

Mr. President, the Clerk has clearly read the timeframe by which we propose the Senate come back into Session. Certainly, Mr. President, we believe it is appropriate that the Senate do indeed have the opportunity to swear in a new Senator, and that is the reason for the August 2 date. Furthermore, we believe that there is sufficient business for the Senate to do to come back on September 20. There certainly is plenty of work to do and the people of Pennsylvania know that there are serious issues that we should stay and solve and come back in a normal fall Session to solve. There is no compelling reason now to leave. There is no justification, Mr. President, for staying out of Session until Thanksgiving. The move can only be described as power politics and selfish politics, which rises above good government. Leaving now means putting off for many months key issues the public wants to see addressed. Some of those issues, and they are certainly not a complete list, include an overhaul of our welfare system; meaningful tax cuts for jobs where we have a chance to sit down, discuss and negotiate; local tax reform, which was recommitted to the Committee on Finance yesterday; education reform, which certainly all of us are interested in; State spending limits, and the list could go on and on.

I think our record shows that we in the Republican Caucus have worked whenever the opportunity has been afforded us to help reach answers. Our positions have been staked out in amendments prepared and offered. We have begun introducing discharge petitions in the last several days to pry out of committees major issues so they can be debated and decided. I have said many times that this Senate is equally divided between 24 Republicans and 24 Democrats, and for us to accomplish anything, we need to be here, to sit down, to negotiate, to compromise, and to come up with solutions. But several significant issues having been settled does not mean that we should just go home and quit. It is not an argument for quitting. Rather, it should be an incentive, if anything, to continue efforts to produce results, because frankly, the record—although the news media may portray the partisan part of this body—clearly shows that when we work together we can indeed produce results, and those results, frankly, are meaningful.

What really matters is the agenda of reform that the people expect us to act on. It is nowhere close to being finished. If your agenda is done, we have plenty of issues to run. If your energy and enthusiasm are exhausted, we have plenty of fight left for the people. If your fingernail grip of power is the motivation, then, frankly, I think that is showing disdain for the people of Pennsylvania, the sort of insult that has already been handed to the people of Bucks County, and now to the people of Philadelphia County in the Second Senatorial District. The message certainly is there. The people do not care a great deal about control of the Senate. That is for sure. They

do not care about tradition or historical instances of early departure and extended recesses. What they do care about is what we will do or what does not happen between now and November of 1993. I think it is incredible to put out a Calendar with people's birthdays going up to November 21. I have never seen anything like that. I think it is almost an embarrassment. I wish the gentleman from Philadelphia, Senator Fattah, a happy birthday on November 21, but I think we should be back here, Mr. President, to wish you a happy birthday on September 12.

The message we should send to the people of Pennsylvania is simple, we are staying here to do the job that we were elected to do for them. We are prepared to do that. We are going to come back and do the people's business in the fall. To do anything else, I think, reinforces the image that power politics is more important than getting things done. I think the people expect a lot more from us, and I think without question, Mr. President, the amendment that I have offered to the adjournment resolution speaks to that and I would hope that we would be able to enact that resolution so that we can do the job the people elected us to do.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes that the gentlewoman from Philadelphia, Senator Jones, is with us, and her temporary Capitol leave will be cancelled.

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

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

Senator LINCOLN. Mr. President, I could not hear what the gentleman from Blair, Senator Jubelirer, said, but I think I picked up enough of it to know that he was talking about getting things done and cooperating and staying here for that purpose.

Mr. President, I have some concern about how things have been represented in the statement made by the gentleman from Blair, Senator Jubelirer, in that he indicated that there has not been any cooperation and there has not been any accomplishment. Last year at the same time, a few days later in June, the Republican-controlled Senate adjourned until Monday, November 9, at 2:17 p.m. when they came back. When they left here June 30 or July 1, and I am not real certain about that, but I think it might have been very early on July 1, they had been in Session from January through June 30, 43 Session days, and had enacted a grand total of 23 bills. In the same period of time this year, from January until June 30, which is not even here yet so there will probably be numbers added to what I am going to give you, we have been in Session 39 days, and we have enacted 62 bills as a Majority party, the Democrats. We have accomplished some major things that had not even been dealt with by the Republican Majority in previous Sessions - workmen's compensation, we had a budget passed the second time in 20 years before May 30, a good budget with no tax increases, fully funded at a reasonable 4.5- to 5-percent rate

increase.

Last summer whenever we left, from July 1 until November 9, there was not a word about needing to get things done, and there was a children's health care bill that was left hanging when we left. There were a number of other very vital issues. In fact, there were 85 bills passed in November after the Democrats took Majority control. I do not have any idea what we could possibly deal with between now and the November 22 return date. There will be active committee meetings. There will be hearings by committees. We will set up a nice legislative agenda for late fall and early winter until we get into the next budget cycle in February.

We have been very active. We have made commitments to get things done. We have been very clear and upfront. I have been saying for 6 weeks we are going to do what we are trying to do today. We have every reason to believe that we have accomplished and will accomplish, today or tomorrow when we finally leave, a full legislative agenda, and for once, I think, came as close to accomplishing the needs of the people of Pennsylvania through our legislative activity as you could possibly get. And I, for that reason, would oppose the amendment to the adjournment resolution and ask for a "no" vote.

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

Senator JUBELIRER. Mr. President, the gentleman's opening remarks that he was unable to hear some of my remarks gave leave to the comment that he sees nothing more to do. I think I presented a pretty meaningful list of unfinished business that is crying out for help, and I will repeat it again, if that be the case, that there is an overhaul of welfare, true welfare reform. It does not have to be the House bill, it can be what the gentleman from Allegheny, Senator Fisher, has offered, or what others want, but we should at least get into the debate. Certainly, we need to sit down and negotiate and work together on not just what happened yesterday but on meaningful tax cuts for jobs. Local tax reform is now back in the Committee on Finance. There are some 25 bills on education reform, and I do not know of any issue that is certainly more on people's minds than education reform. State spending limits. There are a number of issues that we could do here.

Last year when we adjourned, there was no objection to adjournment. It was done jointly. He can read the record, the Journal, as well as I can. There was absolutely no objection whatsoever. There was an agreement at that time that it was time to leave.

And frankly, that is really not germane to what we are doing here today, because I do not think there is anybody who does not believe there is no credibility here when we know that there is a special election on July 13 and another one on November 2, and it is those two special elections which indeed are keeping the Democratic Majority from coming back. Other than that, we would be back here in the fall, and everybody knows that. You cannot fool the people. They know that. It is an issue in every election anymore as to when the election is called for and why we are out of Session. You know, let us have a go at it. Whoever wins, wins. Whoever has control, has

control. But at least we ought to be back here doing the people's business, and that is all we are saying. Let us come back and swear in the new Senator, if it is a Democrat, Republican, Patriot Party, whoever it is, on August 2, which is some several weeks after the special election. Let us come back here for a fall Session and deal with some of the issues that not only I bring up but I know that the other side has issues as well. We are supposed to be lawmakers. We are supposed to be here legislating. That is the prime responsibility of any legislator. When we do this kind of thing, Mr. President, I do not think there is any question, I think that we leave ourselves wide open for criticism. I think it hurts the system, it hurts the process, and it just appears that power politics wins out over the people's business.

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

Senator LINCOLN. Mr. President, I think if we would listen very closely to the words of the Minority Leader, we would hear about last summer as if it were never-never land. The reason we left on July 1 last year and did not come back until November 9 was because the gentleman from Montgomery, Senator Pecora, had switched parties and had given every indication that he was going to join the Democratic Caucus at some point in time in the fall. It was a deliberate effort on the part of the Republican Party to protect their majority, and they did that until we got back in Session, and the gentleman from Montgomery, Senator Pecora, did in fact switch parties and we have been in the Majority since then. So do not tell me that you passed 23 bills in 6 months and left here for 5 months and did it because everything was done.

There was no reason for objecting because we had learned over a period of 12 years that there were 26 Republican votes, or 25, or whatever the number needed, and they voted lockstep together, and there was no sense in trying to embarrass anybody. We all knew that the gentleman from Montgomery, Senator Pecora, was the issue. We all knew that Senator Pecora was going to switch parties when we got back in Session. We all knew that was the reason we were not going to be here until November. So do not try to act like it is Dick Lilywhite all over again from the Thornburgh days. I mean, this is a fact. We have accomplished three times as much in 6 months as you did as the Majority last year. We have a very good budget in place. We have very few things that we have to do today before we leave here, and for the next 4 or 5 months we will have committees working on welfare reform and on the Governor's insurance package.

I can remember not too long ago the gentleman from Blair, Senator Jubelirer, saying to me, you are in too big of a hurry. You cannot rush things. You ought to be a little bit more deliberative. Well, now we are going to do the deliberating part of this job, and that is to have the committees develop a good legislative agenda for late fall and early January, through the early part of next year until we get back into the budget.

I would appreciate it if the gentleman from Montgomery, Senator Holl, is going to kick his desk if he would do it a little louder so nobody can hear me. That really does not annoy me,

but it might annoy somebody over there.

One of the things I can say to you is that if we would have taken the same position on the adjournment resolution last year as you are taking this year, I am not so sure that you could have justified your votes as well as my Members are going to be able to justify their votes to leave here for a reasonable period of time after 6 months of a really good, accomplishing Session.

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

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

YEAS—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.

SENATE CONCURRENT RESOLUTION ADOPTED

Senator LINCOLN. Mr. President, I move that the Senate do adopt this resolution.

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

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

YEAS—24

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

NAYS—24

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

The PRESIDENT. The vote on the motion, "ayes," 24; "nays," 24. The Chair would exercise his prerogative to vote in the affirmative. Therefore, the official vote is as follows:

YEAS—25

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

NAYS—24

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

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

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

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

The SECRETARY. Consent is given for the Committee on Appropriations to meet during today's Session to consider House Bill No. 351, and Senate Bills No. 1022, 1046, 1103, and 1214.

RECESS

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

Senator LINCOLN. Mr. President, at this time I move for a recess of the Senate for the purpose of a Democratic caucus to begin at 3 o'clock sharp in the Majority Caucus Room on the first floor.

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

Senator JUBELIRER. Mr. President, we would ask the Republican Members of the Senate to report to the second floor caucus room promptly at 3 o'clock to begin the caucus of today's Calendar.

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

Senator LINCOLN. Mr. President, upon the recess, the gentleman from Luzerne, Senator Musto, has requested all Members of the Committee on Environmental Resources and Energy to report to the Rules room at the rear of the Chamber for a meeting of the Committee on Environmental Resources and Energy called off the floor, and at this time I move that the Senate do now recess.

The PRESIDENT. For purposes of a meeting of the Committee on Environmental Resources and Energy to meet immediately in the Rules room at the rear of the Senate Chamber,

to be followed by Republican and Democratic caucuses to begin at 3 o'clock p.m., 3 p.m. for both caucuses, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I am going to make a request and you tell me whether they are needed or not. Some of these people may be on leave: Temporary Capitol leave requests for Senator Andrezeski, Senator Fattah, Senator Porterfield, and Senator Reibman.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski, Senator Fattah, Senator Porterfield, and Senator Reibman. The Chair hears no objection. Those leaves will be granted.

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Salvatore, Senator Madigan, and Senator Shaffer.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Salvatore, Senator Madigan, and Senator Shaffer. The Chair hears no objection. Those leaves will be granted.

CALENDAR

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS 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 AFFLERBACH. 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—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	Shurnaker
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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

COMMUNICATIONS FROM THE ACTING GOVERNOR TAKEN FROM THE TABLE

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

MEMBER OF THE 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 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

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 Acting 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

NOMINATIONS RETURNED TO THE
ACTING GOVERNOR

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

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

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

LEGISLATIVE LEAVES CANCELLED

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

Senator Robbins is with us as well. His temporary Capitol leave will be cancelled.

NOMINATIONS TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

PROTHONOTARY AND CLERK OF COURTS,
BLAIR COUNTY

March 31, 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, Carol Newman, 1115 Third Avenue, Duncansville 16635, Blair County, Thirtieth Senatorial District, for appointment as Prothonotary and Clerk of Courts, in and for the County of Blair, to serve until the first Monday of January 1994, vice Jerry Stern, resigned.

ROBERT P. CASEY
Governor

CORONER, CAMBRIA COUNTY

April 14, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis J. Kwiatkowski, R. D. #7, Box 58A, Johnstown 15904, Cambria County, Thirty-fifth Senatorial District, for appointment as Coroner, in and for the County of

Cambria, to serve until the first Monday of January 1994, vice John Barron, resigned.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

March 31, 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 C. Watson, Esquire, 3459 Shadeland Avenue, Pittsburgh 15212, Allegheny County, Forty-second Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1994, vice The Honorable J. Warren Watson, mandatory retirement.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

June 10, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Furber, Esquire, 105 Wynnedale Road, Narberth 19702, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1994, vice The Honorable Anita B. Brody, resigned.

ROBERT P. CASEY
Governor

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

JUDGE, COURT OF COMMON PLEAS,
THIRTY-NINTH JUDICIAL DISTRICT

May 21, 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, Douglas W. Herman, Esquire, 173 Lincoln Way East, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-ninth Judicial District, to serve until the first Monday of January, 1994, vice The Honorable John W. Keller, resigned.

ROBERT P. CASEY
Governor

JUDGE, MUNICIPAL COURT
OF PHILADELPHIA

May 21, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Meehan, Jr., Esquire, 622 Maple Avenue, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January, 1994, vice The Honorable William J. Brady, Jr., mandatory retirement.

ROBERT P. CASEY
Governor

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 Elkknud 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

PROTHONOTARY, WESTMORELAND COUNTY

April 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ron Diehl, 403 Vine Street, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Prothonotary, in and for the County of Westmoreland, to serve until the first Monday of January 1994, vice Stephen Mikosky, deceased.

ROBERT P. CASEY
Governor

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

QUESTION DIVIDED

Senator AFFLERBACH. Mr. President, I would request a separate vote on the nomination of Ron Diehl for Westmoreland County Prothonotary, and I would ask that that vote be tallied at this time.

On the question,

Will the Senate advise and consent to the nomination of Ron Diehl as Prothonotary, Westmoreland County?

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

YEAS—39

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

NAYS—9

Baker	Hart	Peterson	Shaffer
Corman	Jubelirer	Robbins	Shumaker
Fisher			

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

Ordered, That the office of the Governor be informed accordingly.

On the question,

Will the Senate advise and consent to the remaining nominations?

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

Senator WENGER. Mr. President, I suggest an affirmative vote.

And the question recurring,

Will the Senate advise and consent to the remaining nominations?

The yeas and nays were required by Senator AFFLERBACH 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 two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the office of the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

DISTRICT JUSTICE

June 2, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald A. Wilhelm, 421 South Saint Marys Street, Saint Marys 15857, Elk County, Twenty-fifth Senatorial District, for appointment as a District Justice, in and for the County of Elk, Magisterial District 59-3-03, to serve until the first Monday of January 1994, vice Elizabeth J. Friedl, resigned.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

May 26, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Di Claudio, 503 Harrison avenue, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice, in and for the County of Westmoreland, Magisterial District 10-1-01, to serve until the first Monday of January 1994, vice Donald C. Japalucci, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

June 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Anne Fuller, D.C., 902 Cranberry Lane, York 17402, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that

period, vice Francis A. Wisniewski, D.C., Pittsburgh, whose term expired.

ROBERT P. CASEY
Governor

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

The yeas and nays were required by Senator AFFLERBACH 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 office of the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

LEGISLATIVE LEAVES

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

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

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

CONSIDERATION OF CALENDAR RESUMED

SB 1126 CALLED UP OUT OF ORDER

SB 1126 (Pr. No. 1456) -- Without objection, the bill was called up out of order, from page 3 of the Final Passage Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON FINAL PASSAGE RECONSIDERED

SB 1126 (Pr. No. 1456) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for definitions, for applicable elect-

ed representatives, for purposes and powers, for powers of the financing authority, for financing authority indebtedness, for financing authority loans, for industrial and commercial development authorities, for bonds and for competition in award of contracts.

On the question,
Shall the bill pass finally?

RECONSIDERATION OF SB 1126

BILL ON THIRD CONSIDERATION AMENDED

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

The PRESIDENT. Senator Jubelirer moves to reconsider the vote by which Senate Bill No. 1126 passed on third consideration.

The motion was agreed to.

On the question,
Will the Senate agree to the bill on third consideration?
Senator JUBELIRER, by unanimous consent, offered the following amendment No. A3484:

Amend Sec. 4 (Sec. 3), page 8, lines 25 and 27, by striking out the brackets before "'Agricultural" in line 25 and after "products." in line 27

Amend Sec. 11 (Sec. 15.2), page 56, lines 5 through 10, by striking out all of said lines and inserting:

Section 15.2. Prohibition.—(a) Except as provided herein, no Commonwealth agency under the control of the executive branch shall be a project applicant under this act. Operating expenses of any Commonwealth agency under the control of the executive branch are not an eligible project cost.

(b) The Department of Public Welfare may be a project applicant to provide for the conversion of medical assistance services from a fee-for-service basis to a prepaid managed care basis subject to prior approval of this conversion mechanism by the Health Care Financing Agency of the Federal Department of Health and Human Services and prior notice of project details and Federal approval to the chairman and minority chairman of the Senate Appropriations Committee and the chairman and minority chairman of the House Appropriations Committee. Maximum term of the bonds, notes or other evidences of indebtedness issued for this project shall be five years.

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

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

Senator JUBELIRER. Mr. President, I am sure this is an agreed-to amendment, but I just want to say in an atmosphere that has at times been a little antagonistic and sometimes hostile and partisan, this is a product of, I think, a great deal of cooperation, and I believe that not only both Caucuses but certainly working with Secretaries Greenburg and Hershock, we worked out language in this amendment that will now, I think, produce a positive result for Senate Bill No. 1126. And a special thanks to the gentleman from Cambria, Senator Stewart, as well, the prime sponsor of this bill. I think it is an excellent effort on the part of all of us and I am pleased that we are able to support it at this time.

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

The PRESIDENT. Senate Bill No. 1126 will go over in its order as amended.

HB 986 CALLED UP OUT OF ORDER

HB 986 (Pr. No. 2261) -- Without objection, the bill was called up out of order, from page 9 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 986 (Pr. No. 2261) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing designation of and regulating outdoor advertising along a scenic byway; and 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?

LINCOLN AMENDMENT I

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3519:

Amend Sec. 2 (Sec. 102), page 4, line 12, by striking out the bracket before "MARCH"

Amend Sec. 2 (Sec. 102), page 4, lines 12 and 13, by striking out "] SEPTEMBER 15"

Amend Sec. 2 (Sec. 102), page 4, lines 17 and 18, by inserting brackets before and after "JULY 1" and inserting immediately thereafter: September 15

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?

AFFLERBACH AMENDMENT

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A3509:

Amend Title, page 1, line 9, by inserting after "RESPONSIBILITY,": for leaving an unattended child in a motor vehicle,

Amend Bill, page 9, by inserting between lines 21 and 22:

Section 6. Section 3701.1 of Title 75 is amended by adding a

subsection to read:

§ 3701.1. Leaving an unattended child in a motor vehicle.

(a.1) Applicability.—This section shall apply to the highways and trafficways of this Commonwealth, and for the purposes of this section only the term "trafficways" shall include, but not be limited to, parking lots.

Amend Sec. 6, page 9, line 22, by striking out "6" and inserting:

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

8 Amend Sec. 8, page 11, line 24, by striking out "8" and inserting:

9 Amend Sec. 9, page 15, line 26, by striking out "9" and inserting:

10 Amend Sec. 10, page 16, line 7, by striking out "10" and insert-

ing: 11 Amend Sec. 11, page 16, line 10, by striking out "11" and insert-

ing: 12 Amend Sec. 12, page 16, line 19, by striking out "12" and insert-

ing: 13 Amend Sec. 12, page 16, line 21, by inserting after "1550,":

3701.1,

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

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

LINCOLN AMENDMENT II

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3529:

Amend Sec. 9, page 15, line 30, by striking out "THE MAINTENANCE PROGRAM" and inserting: the highway and safety improvement and maintenance programs

Amend Sec. 9, page 16, lines 1 and 2, by striking out "IN ADDITION TO \$15,000,000 EARMARKED FOR SURVEY AND UPGRADE OF SIGNING,"

Amend Sec. 9, page 16, line 6, by inserting after "TRANSPORTATION,": The \$15,000,000 earmarked for survey and upgrade of signing may be drawn from both the highway and safety improvement and the maintenance appropriations.

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 CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SENATE NONCONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SB 323 (Pr. No. 1510) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the distribution of asset maintenance funds; authorizing the creation of a

transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against such an authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee, conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority; authorizing designation of and regulating outdoor advertising along a scenic byway; further defining "court" and "school bus"; further providing for registration requirements for school buses, for judicial review for certification of mechanics and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making repeals.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 323.

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.

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

LEGISLATIVE LEAVES

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

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis and Senator Andrezeski. Their temporary Capitol leaves will be cancelled.

SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION

PROVIDING FOR BROADCASTING
OF SENATE FLOOR ACTIVITY

Senators ANDREZESKI, MELLOW, LINCOLN, BAKER, AFFLERBACH, SCHWARTZ, JONES, PORTERFIELD, DAWIDA, MUSTO, REIBMAN, STAPLETON, STEWART and STOUT offered the following resolution (**Senate Resolution No. 67**), which was read as follows:

In the Senate, June 23, 1993

A RESOLUTION

Providing for broadcasting of Senate floor activity.

WHEREAS, Broadcasting of Senate floor activity is an area of major public interest; therefore be it

RESOLVED, That except as provided in this resolution, filming, videotaping, televising or broadcasting of any session of the Senate Chamber be prohibited and that violation of this resolution be dealt with as the Rules and Executive Nominations Committee shall direct; and be it further

RESOLVED, That television and radio coverage of the proceedings in the Senate Chamber be authorized on a continuing basis, except for caucuses and off-the-floor committee meetings; and be it further

RESOLVED, That television and radio coverage commence with a test period to last six months during which the Senate is in actual session; and be it further

RESOLVED, That the test period commence on the next session day after the Chief Clerk notifies the President pro tempore that installation of the equipment required to televise and broadcast sessions has been completed and that television and radio coverage commence with the opening gavel of the session and end with adjournment; and be it further

RESOLVED, That the extent of coverage of the Senate proceedings be subject to review by the Committee on Management Operations at the end of the six-month period and that, during this test period, no television or radio broadcast signal be sent outside the Capitol for public or private use; and be it further

RESOLVED, That during the six-month test period, videotaping of the session shall be permitted for the sole purpose of copyright application; and be it further

RESOLVED, That coverage provide a complete unedited record of what is said on the floor of the Senate, be an informative documentary and not a staged performance, and be free from commentary; and be it further

RESOLVED, That only the presiding officer and the persons actually speaking be covered by the cameras during the proceedings and debate; and be it further

RESOLVED, That, during roll call votes and other votes, the cameras be focused on the presiding officer and the appropriate clerks and that microphones be turned off in the Chamber and not be turned on until the announcement of the vote tabulation by the presiding

officer; and be it further

RESOLVED, That during recesses of the Senate or when the Senate is at ease, cameras be turned off; and be it further

RESOLVED, That an employee be hired by the Chief Clerk to assist in the development and implementation of coverage of the proceedings of the Senate; and be it further

RESOLVED, That the Chief Clerk shall consult the Secretary of the Senate in developing and implementing television and radio coverage; and be it further

RESOLVED, That the Office of the Chief Clerk be responsible for the acquisition and installation of equipment and for the operation of the television broadcast, including the hiring of the necessary technical personnel; and be it further

RESOLVED, That all equipment be operated by the Senate so that the Senate can more effectively supervise the broadcasts and prevent disruption of the normal proceedings; and be it further

RESOLVED, That any changes in the provisions established by this resolution be made only by Senate resolution but that the Committee on Management Operations have the authority to adopt regulations which do not contravene this resolution as it deems necessary to ensure the proper implementation of television and radio coverage of Senate proceedings; and be it further

RESOLVED, That at the conclusion of the test period, and if approved by the Committee on Management Operations, the continuous broadcast of the Senate be provided free of charge to any licensed television or radio station or cable television outlet but that the Rules and Executive Nominations Committee may, however, authorize other entities, such as government agencies and universities, to receive broadcasts; and be it further

RESOLVED, That a copyright application be filed with the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559, to determine the subject matter of activity in the Senate which may be protected by copyright laws and copyrighted to the extent permitted by applicable law; and be it further

RESOLVED, That no television or radio coverage be used or made available for political or campaign purposes, whether in paid political broadcasts or otherwise and that use of the coverage so provided be subject to all Federal and State laws relating to elections and campaign practices; and be it further

RESOLVED, That no recordings of the Senate be made during the test period except as provided in this resolution; and be it further

RESOLVED, That no part of such coverage or any recording thereof be used in any commercial advertisement; and be it further

RESOLVED, That any live coverage be without and presented without any commercial sponsorship, except when it is part of a bona fide news program, public affairs program or a show produced with a legislative purpose by Senate employees for members in their official capacity; and be it further

RESOLVED, That nothing in any contract entered into by the Office of the Chief Clerk regarding installations of equipment permit any control over microphones in the Senate Chamber to be exercised by anyone but the appropriate Senate officers and employees; and be it further

RESOLVED, That the President pro tempore, the presiding officer and any member, officer or employee of the Senate be prohibited from editing any portion of the broadcast and that the President pro tempore and the presiding officer be prohibited from ordering, without consent of the Senate, that any segment of a floor session not be broadcast or recorded; and be it further

RESOLVED, That funding for the implementation and operation of the broadcasting system be provided through such Senate appropriations as designated by the President pro tempore.

Senator ANDREZESKI asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 67, ADOPTED

Senator ANDREZESKI. Mr. President, I move that the Senate do adopt Senate Resolution No. 67.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, I offer this resolution which would allow a 6-month in-house trial period for television and radio coverage of Senate proceedings. This resolution is the culmination of a series of compromises by interested parties and allows for the setting up of cameras to record people who are speaking on the Senate floor at the Senate stations. This resolution also calls for these proceedings to be copyrighted. It also calls for these proceedings to simply be broadcast in-house for 6 months, to be evaluated by the Committee on Management Operations.

I ask for the support of my colleagues on this resolution as the first step to allowing people in Pennsylvania to see the procedures and speeches and work of the Senate which would, hopefully in the future, be transmitted for the use of the news media, educational television, and perhaps colleges and universities as they may want to view these proceedings. So I would like to ask for the support of my colleagues on this resolution and point out that this is the culmination, I think, of a bipartisan effort by those of us in this Chamber who would like to see television coverage in the Senate.

Thank you, Mr. President.

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

Senator JUBELIRER. Mr. President, I, too, join in urging support of the resolution. It has, indeed, been an extraordinarily long haul, and many Members here have expressed a desire to move in this direction, and certainly a lot of people have had the opportunity to get their views into the final product. It truly has been a bipartisan effort, and certainly Senator Mellow, the President pro tempore, deserves a great deal of credit for moving the process along and bringing us to this point. It is something that I have long been interested in and I was pleased to have the opportunity to work with the President pro tempore, as well as a bipartisan effort on the part of the staff. The staff did an extraordinary job working out very difficult issues. But in the final analysis, I think this is probably as good a resolution as there is, probably better than they have in the United States, and certainly I think better than exists currently in the House of Representatives, because we took our time, it was well thought out, and we had the experts advise us. There will be a 6-month trial period to work out the kinks, and if there are any difficulties, we will have the opportunity to fix it. I, too, would urge adoption of the resolution.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Mellow, who is actually with us. His tempo-

rary Capitol leave will be cancelled.

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

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

The PRESIDENT pro tempore. Mr. President, we are probably going to vote on a number of issues this evening that are very important to the people of Pennsylvania, but I do not think any issue that we will vote on tonight or any issue that we have voted on, maybe with the rare exception of a budget and workers' compensation, is as important to the people of Pennsylvania as this particular resolution, and that is to be able to give individuals who want to see how their elected officials represent them in Harrisburg the opportunity to do that through television, in the privacy and comfort of their own home.

Mr. President, I am very proud about the fact that we are able to finally bring to the Senate of Pennsylvania a resolution that will officially open up this Chamber to live television coverage, because a lot has been said over a number of years that it is something that should be done, and I can recall resolution after resolution being sponsored, most of them, in fact, having the gentleman from Erie, Senator Andrezeski, as prime sponsor, along with a number of our colleagues cosponsoring the resolutions. But it was only in December, Mr. President, that an official statement was made, and then again during the swearing-in ceremony on January 5 of this past year where we went ahead and for the first time we opened the Chamber for live television coverage. I am very happy that under the legacy of the Democratic Party, along with the support of the Republicans, but mainly under the leadership of the Democratic Party here in the Senate, that for the first time in hundreds of years the Pennsylvania Senate will be further opened to public view by allowing television cameras to cover the activities of the Senate on a day-by-day basis as we do our business.

So I am very happy that we have been able to come to this point this day. I would ask, Mr. President, that each and every Member try to the best of their ability to search in their heart for support of such an extremely important measure, because I think it is important that the people have a right to know what is happening by the public officials they have sent here to Harrisburg, because the business that we are doing here is not our business, it is the people's business, and they have every right to be well-informed as to what is happening in their stead.

I thank you, Mr. President, and I ask for an affirmative vote on the resolution.

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

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

YEAS—37

Afflerbach	Greenleaf	Madigan	Robbins
Andrezeski	Hart	Mellow	Salvatore

Armstrong	Helfrick	Musto	Schwartz
Baker	Jones	O'Pake	Shumaker
Bortner	Jubelirer	Peterson	Stapleton
Brightbill	Lemmond	Porterfield	Stewart
Dawida	Lewis	Punt	Stout
Fattah	Lincoln	Reibman	Tilghman
Fisher	Loeper	Rhoades	Wenger
Fumo			

NAYS—11

Belan	Corman	Mowery	Shaffer
Bell	Holl	Pecora	Williams
Bodack	LaValle	Scanlon	

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT C.
JUBELIRER PRESENTED TO THE SENATE**

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

Senator JUBELIRER. Mr. President, in the gallery tonight we have a very special guest. Her name is Gathoni Murugi, and she is a student at Immaculata College. She is an intern with the Finigan Foundation, and she comes from the country of Kenya. I would ask if the Senate would give her a warm welcome. She is staying with the MacNett family this summer, and I am sure that she has found her day here to be of great interest.

(Applause.)

The PRESIDENT. We thank you for joining us and we welcome you to the Senate of Pennsylvania.

CONSIDERATION OF CALENDAR RESUMED

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED BY THE SENATE**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED BY THE SENATE**

SB 1052 (Pr. No. 1524) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1052.

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

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

Senator AFFLERBACH. Mr. President, I, too, would request a concurrence on Senate Bill No. 1052 and will submit the following remarks for inclusion in the record.

The PRESIDENT. The Chair thanks the gentleman. His remarks will be spread upon the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Lehigh, Senator AFFLERBACH.)

SB 1052 as amended by the House and as being considered by the Senate today deletes a provision (section 2) to the bill that was sponsored by me. This provision that is now deleted was based on important public policy considerations. We have accepted the deletion of this provision based upon assurances from the Governor's office and the Department of Health that they will implement administratively the objectives that we in the Senate sought to accomplish by means of the deleted provision, thereby obviating the need for this legislation.

The objectives behind the deleted provision were to remedy a technical problem that was created by the act of December 18, 1992 (Act No. 1992-179), which amended the act of July 19, 1979 (P.L.130, No. 48), otherwise known as the Health Care Facilities Act. The Department of Health has assured us that in order to remedy this problem it will follow the principle that sponsors of magnetic resonance imaging ("MRI") projects that were under contract prior to December 18, 1992 will be granted letters of nonreviewability with respect to the certificate of need ("CON") requirements, regardless of whether they had given the Department notice prior to entering into their respective contracts, as long as the sponsors of these projects (1) pay an amount determined by the Department that will be based upon a calculation of the CON filing fee and (2) enter into an appropriate Settlement Agreement with the Department of Health.

Some of the media as well as other persons have suggested that the amendment to SB 1052 that we had proposed was specifically tailored to benefit one particular sponsor. This is absolutely not the case. We have discussed the issues underlying the proposed amendment with the Governor's office and the Department of Health and we have consistently made it clear to everyone with whom we have spoken that this legislation was aimed at remedying a problem that affected many sponsors of MRI projects throughout the Commonwealth and that if the objectives behind the legislation were to be achieved through administrative action in lieu of legislation, then the principle described above would have to be applied evenhandedly to all MRI project sponsors similarly situated.

By way of background, the significant change in the CON law on December 18, 1992, coupled with the Department of Health's subsequent interpretation of the new law, has left many sponsors of MRI projects throughout the Commonwealth in the same predicament: they are now unable to complete (or face serious administrative obstacles that stand in the way of completion) MRI projects that were substantially developed or underway before the change in the law.

Prior to the December 18th change in the law, private practice physicians and other health care providers who sought to establish freestanding facilities that would provide MRI services and other diagnostic imaging services did not need to obtain a CON, provided that the services in question were to be offered on an outpatient-only basis. Several private practice physicians and other health care providers throughout the Commonwealth who had been relying on this "freestanding facility" exemption under the law as it existed prior to December 18th had entered into MRI equipment purchase and lease arrangements, negotiated land and office space lease agreements and otherwise expended substantial amounts of time, energy and money in order to develop their freestanding MRI projects. The December 18th enactment now requires a CON for all MRI facilities that were

not operational as of December 18, 1992.

The December 18th change in the law does not specify how the Department of Health should handle MRI projects that were substantially underway before the passage of the new CON amendments and that previously did not need to obtain a CON but that now need one under the amended law. It was and is our intention, however, that the Department should follow the guidelines that it had previously established for itself.

In prior years, the Department had granted "grandfather" exemptions to providers facing similar predicaments, and during the first several months of 1993 there was every indication that the Department would continue this policy and grant "grandfather" exemptions to those private practice physicians and other health care providers who could demonstrate that they had undertaken substantial activities to develop freestanding MRI projects that were previously exempt from the CON requirement prior to the December 18th change in the law. However, the Department has proven unwilling or unable to grant "grandfather" exemptions this time around and has determined that all of these projects must go through the CON review process with the resultant uncertainty that some or all of these projects may be denied a CON and ultimately prohibited from going forward.

It was against the preceding backdrop that we proposed legislation (in the form of section 2 to this bill) to correct the technical problem that arose out of the lack of clarity in the December 18th enactment and the Department of Health's subsequent interpretation of the provisions of that enactment. With the recent assurances by the Governor's Office and the Department of Health that they will implement administratively the objectives that we sought to accomplish by means of this proposed legislation through the application of the principle discussed above to all MRI project sponsors similarly situated, we have agreed to the deletion of section 2 of this bill.

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

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

YEAS—47

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	Wenger
Dawida	Lewis	Reibman	Williams
Fattah	Lincoln	Rhoades	

NAYS—1

Tilghman

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

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

FINAL PASSAGE CALENDAR

BILL 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.

On the question,
Shall the bill pass finally?

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

YEAS—47

Afflerbach	Fumo	Madigan	Salvatore
Andrezeski	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
Fisher	Loeper	Robbins	

NAYS—1

Armstrong

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 REREFERRED

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.

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

BILL ON FINAL PASSAGE RECONSIDERED

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.

On the question,
Shall the bill pass finally?

RECONSIDERATION OF SB 1190

BILL OVER IN ORDER TEMPORARILY

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 was agreed to on third consideration be reconsidered so that the gentleman from Venango, Senator Peterson, might have an opportunity to offer an amendment to that bill.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on third consideration?

The PRESIDENT. Without objection, Senate Bill No. 1190 will go over temporarily on third consideration.

THIRD CONSIDERATION CALENDAR

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

HB 696 (Pr. No. 2215) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P.L.1116, No.330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Justice and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," transferring the powers and duties of the Department of Justice to the Department of Agriculture; specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

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

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 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?

MOTION TO PASS BILL OVER

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

Senator CORMAN. Mr. President, I move that Senate Bill No. 1061 go over in its order.

The PRESIDENT. Senator Corman moves that the bill go over in its order.

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

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

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

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

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

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

The PRESIDENT. The gentlewoman will be so recorded.

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

YEAS—20

Armstrong	Fisher	Jubelirer	O'Pake
Baker	Greenleaf	Lemmond	Punt
Bell	Hart	Lewis	Salvatore
Brightbill	Helfrick	Loeper	Tilghman
Corman	Holl	Mowery	Wenger

NAYS—28

Afflerbach	Fumo	Pecora	Schwartz
Andrezeski	Jones	Peterson	Shaffer
Belan	LaValle	Porterfield	Shumaker
Bodack	Lincoln	Reibman	Stapleton
Bortner	Madigan	Rhoades	Stewart
Dawida	Mellow	Robbins	Stout
Fattah	Musto	Scanlon	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?

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo, Senator Madigan, and Senator Salvatore, and their leaves will be cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator CORMAN. Mr. President, I would like to take a moment to explain Senate Bill No. 1061. This is the bill that will allow optometrists to be able to prescribe drugs for use of their patients. Optometrists, of which many of us have friends who are in that profession, unfortunately, in my judgment, are not trained to adequately provide prescription medicine for their patients. The bill would, in fact, provide for training for them, but if I look at the bill on page 3 where it defines the Board of Optometry, it says, the Board of Optometry shall consist of, and it lists strictly optometrists who would be the people who would train other optometrists to be able to understand the pharmacology of people and to provide pharmaceutical drugs. To me, that seems totally inadequate, if we look at the rest of the people who are involved in the medical profession.

I have letters here of which I would like to share small portions from two ophthalmologists, whom people may charge, yes, they are the opposition. They want to defend their turf. Okay, that might be accepted as being accurate, but I also have letters from several doctors who I think have some comments that bear your hearing, so please listen to these.

The first is a letter from the Pennsylvania Medical Society, and I will just read portions of it. It says, "This bill removes any responsibility for the Secretary of Health, or any other physicians similar, with the indications and/or the problems of therapeutic drug use from being involved in the determination of what drugs may be used and what training is necessary for their use. While optometrists claim that the pharmacological training which they receive is increasing as similar to that given to other health care practitioners, their claim is misleading."

Let me explain how that is misleading with a letter that we have from a doctor -- bear with me a second. This is from a Rose Eskin, M.D., from Mechanicsburg, Pennsylvania, in which she writes, "During my four years of medical school, I received countless hours of instruction in pharmacology coupled with 'hands-on' on clinical experience learning the effects of drug therapy. More importantly, I learned how various drugs are absorbed into the body's tissues and what those drugs' short term and long term effects are. It is extremely important to understand that any therapeutic agent, be it by injection,

orally, or topical in the case of eye drops, is immediately absorbed into the body's entire blood stream. Therefore, the argument that optometrists would only be treating the eye is not legitimate."

Now listen to this portion, if you would please. I think this is very important. "As a first year resident in OB/GYN at George Washington University Hospital in Washington, DC, I will not be permitted to prescribe medication to any of my patients without direct supervision. In fact, I will be required to complete two full years of residency, which consists of nearly 100 clinical hours per week of patient care under the direct supervision of attending physician, before I can legally prescribe any medication to a patient."

We have a letter here from Leland Patterson, M.D., who is a neurologist, and he states the same thing in his letter. "Drugs used in treating the eye are extremely powerful and can be absorbed quickly into the body systems." Another paragraph, "Understanding the administration of drugs is not just an academic exercise." Then he goes on explaining how these people who are optometrists and who are our good friends really do not have the adequate training to prescribe prescription medicine for their patients.

Here is another letter from a doctor in State College that says, "While optometrists are trained well in the area of refraction, as well as determining what is abnormal and what is normal, their schooling does not include the extensive experience in hospital for four to five years that is required to understand the multiple complexities of pharmacological agents."

If you go down to another paragraph it says, "Geographically, ophthalmologists are spread throughout the state of Pennsylvania and there are no areas now that do not have an ophthalmologist within 20 to 30 minutes driving time. The cost of seeing an ophthalmologist is the same as or less than seeing an optometrist...." So there is no need to do this because there is a shortage of doctors available to do it.

If I can share another letter, it says, "Let me give you some background information. As an ophthalmologist, I studied for four years of college, four years of medical school, one year of medicine and three years of Ophthalmology. These years of study helped to form me into a medical physician whom understands the pathology and physiology, as well as pharmacology of the human body....not just the eye. This bill is not just a question as to can the optometrist treat 'pink eye.' Many diseases can cause an eye to turn red," and then she lists all the things that can cause it. But she says here, "Can a course taught by optometrist which presently do not have a license to treat with pharmaceuticals equal the training..." of the people who have spent the kind of time that have been here? Her final comments are, "Please consider voting against Senate Bill #1061 in order to preserve the quality care all patients deserve when it pertains to the only two eyes they will ever have."

I think if we really examine this issue on the medical training we will find that we should all be voting "no" on this particular bill. Finally I would like to share with you that the Secretary of Aging, Linda Rhodes, testified against this bill in

1991, and according to phone information, my office called today, we find that the Department of Aging is still opposed to this bill. And also the legislative liaison of the Department of Health, Marilyn Cole, said that Dr. Noonan also is opposed to this bill. People who are trained in medicine all are opposed to bill. I think we who are not trained in medicine, if we are going to err, ought to err on the side of the patient and vote "no" on this particular piece of legislation.

Thank you.

The PRESIDENT. The Chair first recognizes the gentleman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I would like to speak to this bill. I have given it quite a bit of thought. I have, as have probably many of my colleagues, been contacted by both optometrists and ophthalmologists on this bill. I am a cosponsor of the bill and I am a cosponsor because I do strongly believe that all health professionals need to be able to practice to the extent of their training and their education, and by that I mean optometrists as well as physicians, including ophthalmologists. I am going to support this bill and I will do so with some reservations, and I will explain my reservations and also my support.

I am supportive, as I say, because I believe that we need to allow our health professionals to function to the fullest extent of their training and education. As the previous speaker said, the training of optometrists is different than the training of ophthalmologists. The intention here is not for optometrists to be ophthalmologists but, instead, to be able to fully practice optometry, and I think that the inclusion of prescription writing privileges is a part of their training, a part of their education, and they are prepared to do so. My hesitation is that I think the bill is written somewhat too broadly. I believe that it should be more clear about excluding the treatment of advanced, complicated medical conditions of the eye and very clear about not treating systemic manifestations of eye disease. I believe that language could be included. I believe we need to be more explicit about the limitations on the prescription writing privileges I hope we will grant to the optometrists. I do expect that some of this will happen in the House.

I also received assurances from optometrists who have visited me from the College of Optometry, which is just outside my district. I have visited the college on a couple of different occasions and I am extremely impressed by the training and the knowledge that they receive in the 4 years of training where they really learn a great deal about the eye.

I think the statement that all physicians are opposed to this is not true. There are physicians who, in fact, work closely with optometrists who are impressed with their skill, impressed with their knowledge of the eye, and would want them to be able to write prescriptions, particularly for topical medications. And I can say that having met many of the optometrists, particularly the leaders in the field, I believe they will be responsible in monitoring themselves, through the Board of Optometry, in making sure that they do write in these limitations, that they do provide some guidance for their own profession, and that we should support that effort. I think this is all a part

of what we should be doing to expand the availability of health services throughout the Commonwealth and to enable those health practitioners with the expertise to be able to practice their healing profession to the fullest degree possible. I hope to continue to work with the optometrists in seeing that this language is put in in the House and look forward to voting for a slightly revised version as it comes back to the Senate, possibly in the fall.

So I hope that we will see passage of this bill and I thank the optometrists for their commitment to continue to work on this legislation and, more importantly, to provide important eye services to their patients throughout the Commonwealth.

Thank you, Mr. President.

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

Senator BRIGHTBILL. Mr. President, I have spent considerable time studying this bill, and frankly, I have been lobbied by both sides of the matter. When in doubt, I always go back to the lessons that were taught to me by my parents, and my teacher in this case was my mother, who was very emphatic in terms of teaching me the value of good, quality medical care. She was very careful in selecting the family physicians and was always very proud of the people who were of service to us and we were their patients. In my case, it was Dr. Ted Long, and the medical people we used were almost members of the family.

Therefore, Mr. President, number one, the issue here is not, in my judgment, to decide a turf battle. The issue here is what can we best do to decide whether the public and how the public will receive quality medical care. That really is our duty and our obligation.

Number one, it is mentioned by the people who would like this bill to be passed that 35 States have passed some form of a therapeutic bill. The key really is that while 35 States, or 36, or whatever it is as of today, have passed such a bill, the bills differ widely, but there is one common denominator, and that is if you look through a description of all the different kinds of bills, they are all rather limited. For example, starting with Arkansas, which was enacted May 3, 1987, that excludes other surgery and does not include laser surgery. I would note that as this bill originally went into the Committee on Appropriations, it included non-invasive surgery. I had two visits from optometrists and my question to them was, does that include laser surgery? And the one looked at the other, and the other looked at the one, and they said, oh, no, that does not include laser surgery. Well, I remember the gentleman from Philadelphia, Senator Fumo, in the Committee on Appropriations indicating that he was offering an amendment to the bill to exclude laser surgery, and my recollection is, and the Senator can correct me if I am wrong, that he had no consent from the optometrists to offer that. He is nodding that that is the truth.

The next point is my concern as I talked to the two physicians in my office, we got on the subject of dilation, and I particularly remember that as a young man I used to have to go and have my eyes examined and Dr. Long would perform dilation, and at that time the drugs that were used were such

that once you were dilated, you were kind of dilated for the rest of the day. And I remember how much I used to hate going to the eye doctor. I see some smiles and obviously other people remember that too, because I would go in there and there was always a wide assortment of reading material, and just about the time that I would start getting into some of the reading material, the nurse would come out and start to dilate my eyes, and lo and behold, I could not read it because I was dilated.

Well, that has changed, Mr. President. But the thing that amazed me was that the two optometrists who came in had absolutely opposite points of view on dilation. One said that they dilate all the time, and the other one said that he basically never dilates. So I called the ophthalmologists and I asked them, what is your policy on dilation? And they told me that it is something they do some of the time, that they do not need to do it with every patient, that it is a judgment call by the physician. So to settle the question, I called my personal physician. Now, my personal physician happened to be an optometrist, and I said, hey, doc, what is your opinion? I do not remember being dilated recently by you. What is your policy on dilation? And he said it is a judgment call. He said sometimes you do it and sometimes you do not. He said, you happen to have big, wide eyes and I can see in there and take a good look around and I do not need to dilate you.

But the point is this: I had two exact opposite answers from physicians who came in there, one from one side of the optometry fence and the other from the other side of the optometry fence. This, to me, Mr. President, does not sound like a profession.

And as I thought about this, I found myself last weekend taking a short road trip for my wife, we needed window coverings and she sent me over to Lancaster to Park City, and lo and behold, I found myself confronting a place called Total Vision Care. Total Vision Care is in a shopping center, Mr. President, and I took a look at Total Vision Care and I wondered if it really offers total vision care. So this week I called and I asked, do you have an ophthalmologist on duty? And the lady at Total Vision Care assured me that they do not, and I assume from that that they do not offer total vision care.

Mr. President, there was one persuasive argument made, and while I am going to vote "no," I think this is an issue that we ought to continue to examine, and that is this: one of the optometrists who visited me was from Hamburg, in my district, which is approximately 15 miles from Reading, and what he explained to me is that there are many kinds of therapeutic things that occur that need to be done that really can be done by an optometrist, but today they can only be done by an ophthalmologist. And as a result, I have constituents in Hamburg, Pennsylvania, who have to drive 15 miles for an ophthalmologist for some kinds of basic, minor therapeutic actions. My reaction to that is that people ought to take a look at this. Maybe there is something that can be done to help the people out in the more rural areas. But until we do that, Mr. President, I am different than the gentlewoman from Philadelphia, Senator Schwartz. I am putting my mother's values in front, and

my mother's values are that we put, number one, good, quality health care upfront, and I cannot possibly vote for a bill that can be characterized by one of its sponsors as too broad, and I cannot vote for a bill like this with reservations.

I must refer again to Secretary Linda Rhodes' testimony of April 4, 1991. She said, number one, "There are no widespread service gaps in vision care for older Pennsylvanians." Number two, "Optometrists' education and training in the use of therapeutic drugs is not sufficient to ensure the safe use of therapeutic drugs." And number three, "Providing quality care requires a comprehensive understanding of the multiple chronic conditions of older people." And I think the Secretary has it right.

One last thing, if there was kind of a final piece of this bill that made me decide one way or the other, it was the idea that part of this bill increases the number of individuals who are on the Board of Optometry, and it increases it by adding an additional optometrist. As I look down again through the States you see boards that consist of, for example, two optometrists, one ophthalmologist, one general physician, and one pharmacist, all appointed by the Governor. That is from the State of Arkansas, which enacted theirs on March 3, 1987. I think that we need a board that provides some balance, we need a board that provides some depth, and I think that we really need a board that is going to share the same values that my mother shared, and that is the value of good, quality health care.

Thank you, Mr. President.

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

Senator AFFLERBACH. Mr. President, the gentleman from Lebanon, Senator Brightbill, and the gentleman from Centre, Senator Corman, have raised legitimate issues of concern. They are, however, the identical issues of concern that were raised in 1988 when we first passed very similar legislation to that now before us. A significant difference at that time when this Senate decided that, in fact, optometrists should be permitted to use therapeutic pharmaceuticals was that only a handful of States in this nation also permitted such activity by optometrists. Today there are 35 States in this nation which permit optometrists to utilize therapeutic pharmaceuticals or to prescribe pharmaceuticals for their patients to utilize; 35 States, Mr. President.

The records of performance in those 35 States is excellent. In fact, those who have searched for any information whatsoever that would lead one to believe that these optometrists practicing in those States have not been doing so in a professional manner or have made errors of judgment that have harmed people have not been able to find any evidence to that effect. What they have found is that the optometrists practicing in those 35 States and prescribing pharmaceuticals have, in fact, maintained an exemplary record, and that did not surprise me, because of those 35 States, 23 of them utilize the Pennsylvania College of Optometry as the primary certification program for the optometrists practicing in those States. They utilize our Pennsylvania-based college to certify their optometrists to utilize therapeutic pharmaceuticals. In addition to

that, of the remaining States of those 35, they all accept the criteria set forth by our Pennsylvania College of Optometry in terms of testing and certifying their optometrists who can utilize therapeutic pharmaceuticals.

When one asks about the amount of training that an optometrist has in pharmacology, one need only compare the various schools in Pennsylvania. The Pennsylvania College of Optometry compares favorably to the University of Pennsylvania School of Dentistry, to Thomas Jefferson Medical College, to the Philadelphia College of Podiatric Medicine, and to the Philadelphia College of Osteopathic Medicine. If one looks at total classroom hours, the College of Optometry exceeds the total classroom hours for Thomas Jefferson Medical College, the Philadelphia College of Podiatric Medicine, and the Philadelphia College of Osteopathic Medicine. And I will say again, the College of Optometry exceeds these schools in its classroom hours in pharmacology. If one looks at total hours, that includes clinical hours combined with classroom hours, the College of Optometry again exceeds the University of Pennsylvania School of Dentistry and is very comparable to the College of Osteopathic Medicine and to Thomas Jefferson Medical College.

And so to say that optometrists do not receive sufficient training in pharmaceuticals is, in fact, a time-worn argument that no longer holds true. One need only to go to these schools which I have enumerated to check their course offerings and determine for themselves that, in fact, our optometrists are trained at least as well as other medical practitioners in Pennsylvania who are able to prescribe therapeutic pharmaceuticals.

Furthermore, there are safeguards in this bill. The safeguards restrict the optometrists to the practice of primary care. They are not permitted to diagnose and treat systemic illnesses or systemic disease. They are not permitted to do surgery. We have placed an amendment in the bill to clarify that they are not permitted to do laser surgery, which to this point is truly undefined as invasive or non-invasive. We have, in fact, invited the ophthalmologists to come to the negotiating table. When this bill was in the Senate Committee on Appropriations, the chairman of that committee, the gentleman from Philadelphia, Senator Fumo, for one full week invited the ophthalmologists to come to the negotiating table and to present amendments that they would like to see in this bill. They declined to do so. They were invited not once, not twice, not three times, but several times over that week's period of time to come to the negotiating table, to tell us what they would like to see adjusted in this bill, to present amendments to us for consideration, and they declined to do so. Now, I do not know why they declined to do so. Each of us will have to decide that presumption on their own. But I suspect that in part they declined to do so because they know the record in the 35 States that already permit therapeutic pharmaceuticals. They know the classroom hours and the clinical hours that are, in fact, required by the Pennsylvania College of Optometry. And they know that the Optometric Licensure Board in this Commonwealth is not going to act irresponsibly. It has not acted irresponsibly in the past, and there is no reason to forecast that it will act irrespon-

sibly in the future.

The fact of the matter is that this piece of legislation is needed in Pennsylvania to improve access, to improve affordability of care, and, yes, to provide quality care to people who otherwise are not able to obtain it. The Department of Health, by its own figures, tells us that 49 of our 67 counties are medically underserved. There are only 18 counties in this Commonwealth that are, by the Department of Health's calculations, sufficiently medically served. Forty-nine counties, Mr. President. That is a lot of people, a lot of people who can benefit from this bill.

It is time that we repeat the same action that we took in 1988, and that action is to approve Senate Bill No. 1061, to send it to the House of Representatives with a resounding vote and thereby authorize the optometrists in this Commonwealth and our own Pennsylvania College of Optometry to continue to do not only what it has done for 35 other States, but what it should be doing for Pennsylvania. I ask for an affirmative vote on the bill.

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

Senator MADIGAN. Mr. President, I rise to support this legislation. I am one of the cosponsors of this legislation, and I was a cosponsor of the legislation in 1988. I represent northcentral Pennsylvania, the vast majority of which is rural, and as has been pointed out by other speakers, we are interested in good health care. Unfortunately, many areas of rural Pennsylvania are underserved. They cannot get health care, good or bad.

As I talked to members of this profession, and not a lot of them at this time but a significant amount in the previous Session, and as I talked to the ophthalmologists who called me and told me I was misled and pointed out to me that they are the only individuals qualified to deal with a person's eyes and that medical doctors were totally unqualified to look at it, optometrists were, and I suggested to that individual, well, let us do away with optometrists and medical doctors. And they said, oh no, we cannot do that. They are the ones who refer people to us and are very basic to our profession.

As I talked to one ophthalmologist from my district, he said, I am totally opposed to this, but you cannot use my name because I work with many of the optometrists who refer individuals to me for the serious and concerned diseases of the eye. I do not want to jeopardize my business, but I want you to oppose this. And I pointed out to him, what about medical doctors? He retorted, they are totally unqualified. They do not have the experience or training to deal with eyes, only ophthalmologists do.

The reason I have to support this legislation is so that rural Pennsylvanians do not have to be second-class citizens just because ophthalmologists do not desire to locate and practice in rural Pennsylvania but only in the metropolitan areas where the income is much higher. I had the opportunity to be in Erie a few weeks ago. I talked with the State president of the Optometric Association, and he related to me a discussion that he had with one of the ophthalmologists with whom he did busi-

ness, and that ophthalmologist pointed out to him that he did not have the experience to prescribe drugs after post-cataract surgery. This individual's response was, how much experience did you have as an ophthalmologist in prescribing drugs after your first post-cataract surgery?

I think this points out the issue we are saying. And the thing that has been pointed out to me, you have to have training, you have to have experience, and if any one of the professions can go through the schools, get that training and experience, I believe they are qualified, and if we as a State license those individuals, I think we have to be comfortable in what they are doing. I believe it is time that we come into the 21st century and allow our optometrists to at least prescribe drugs. I believe that this bill provides the training that those individuals can get. If any individual can take the time to take the training, whether they be a pharmacist or any one of the other professions that takes 1 or 2 or 3 years of training, I do not believe that we can say anybody who has a Doctor of Optometry degree is unable to take the training and be able to prescribe drugs.

I urge an affirmative vote for this legislation.

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

Senator CORMAN. Mr. President, I guess one of the very frustrating parts of this job in this Senate is that we are forced to cast votes in areas of which none of us are trained. Some of us are trained more than others in various aspects of legislation when it comes up, but there are always various parts of it in which we have no training whatsoever and have to look to others for guidance. And I think this is one of those cases where very few of us in this body are trained as doctors or optometrists or ophthalmologists or have the proper medical training to truly try to make that judgment. Are these people qualified that we should say to the people of Pennsylvania, your optometrist has the knowledge to prescribe medicine for you without any danger whatsoever to your eyes? Now, that is a pretty awesome responsibility that is placed upon us, and I think that we should be looking to people who are experts in the field to try to give us guidance, and that is what I have done in forming my position now, just the same as I did in 1988. I look at the statement of the gentleman from Lehigh, Senator Afflerbach, that we are medically deprived in many parts of the Commonwealth, and it seems to me that the Secretary of Health has that same interest, to provide proper medical care for all the people in the Commonwealth of Pennsylvania, and yet that same Secretary of Health says "no" to this particular piece of legislation. He thinks it is not a good gamble to allow optometrists to have the right to prescribe medicine for people. And we look at the Secretary of Aging, who has a clientele of people who have lots of need for eye care, and she, too, is concerned that there are adequate technical people qualified around the Commonwealth of Pennsylvania to provide that eye care, and she, too, says "no" on this particular piece of legislation, that optometrists are not qualified to prescribe prescription medicine for their customers.

So when I look at this kind of testimony given to me by

people who want to protect society, one has a responsibility for health care in Pennsylvania, the other has a responsibility of trying to provide care for the senior citizens with whom she is involved as Secretary of Aging, and they both tell me I should be voting "no" on this particular piece of legislation.

As one of the doctors said in the letters that I have sent to you, we only have two eyes. We need to protect them. We do not get any more eyes. And I think if I am going to err in my judgment as a legislator—and I would encourage all of you to think about it—we ought to err on the side of safety and vote "no" on this particular piece of legislation.

Thank you.

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

Senator AFFLERBACH. Mr. President, the gentleman from Centre, Senator Corman, suggests that we look to the people who are knowledgeable in this arena to guide us. I agree with that. I, too, spoke with Secretary Noonan, the Secretary of Health, yesterday, and he advised me that the position of the Department of Health in the past was to oppose this legislation. He further advised me that as a medical doctor, he, too, felt uncomfortable with the legislation and would be inclined to oppose it, as the gentleman from Centre, Senator Corman, has indicated. As a medical doctor -- with all due respect to Secretary Noonan, he came to Pennsylvania from one of the other 14 States that does not permit therapeutic pharmaceutical use by optometrists, and so he has had no experience with it in the State from which he came to Pennsylvania. He has been in Pennsylvania approximately 2 years or less and I dare say is not thoroughly familiar with the Pennsylvania College of Optometry. My suspicion would be that when he is here longer and has the opportunity to become familiar with this college in Pennsylvania, he may have a change of heart. I do not know.

Secretary Rhodes has in the past opposed this legislation, again, as the gentleman from Centre, Senator Corman, has accurately stated. She has again indicated that she is opposed to the legislation. Secretary Rhodes is looking, obviously, at the clientele which her department serves. I also dare say that the clientele which her department serves, in many, if not most cases, come for ocular care when they are beyond the primary care stage. They oftentimes do have multiple illnesses, multiple diseases, or are on multiple pharmaceuticals when they come for ocular care. She has a right to be concerned that these individuals would be well-treated. And, in fact, this bill does have a protection for these individuals. It restricts optometrists in the use of therapeutic pharmaceuticals to primary care illnesses. It prohibits them from involving themselves in any systemic illnesses, even if those systemic illnesses or diseases manifest ocular problems. And so I believe that the concerns of Secretary Rhodes are addressed in the bill.

And finally, the American Public Health Association, which is a prestigious and highly-respected association of medical providers and medical consultants, has endorsed therapeutic pharmaceutical use by optometrists in all 50 States and indeed fought back a very serious challenge by ophthalmologists from those 50 States to change that position. The position remains

unchanged. The American Public Health Association endorses this legislation.

I, again, would ask for an affirmative vote.

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

Senator MADIGAN. Mr. President, following up on the remarks of the gentleman from Centre, Senator Corman, about whom do we put faith in, and I guess I have to go back and join with the gentleman from Lebanon, Senator Brightbill, and I go back to my mother's doctor, who also happens to be an ophthalmologist, who a couple of years ago called me from Florida, where he has retired, and urged my opposition to the bill, of which I was one of the major sponsors. He said, you know, the major cause of blindness in this country are optometrists. If we put our faith in people who make statements such as that, shame on us.

I urge a positive vote for this legislation.

LEGISLATIVE LEAVE

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

Senator AFFLERBACH. Mr. President, Senator Jones has been called from the floor and I ask for a temporary Capitol leave for her.

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

LEGISLATIVE LEAVE CANCELLED

Senator AFFLERBACH. Mr. President, I ask you to recognize that Senator Fattah is here and his temporary Capitol should be cancelled.

The PRESIDENT. The Chair does recognize that the gentleman from Philadelphia, Senator Fattah, is here and his temporary Capitol leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

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

YEAS—23

Afflerbach	Hart	Madigan	Robbins
Andrezeski	Helfrick	Mellow	Schwartz
Baker	Jones	Musto	Shaffer
Bortner	LaValle	Peterson	Shumaker
Dawida	Lemmond	Punt	Stewart
Fumo	Lincoln	Rhoades	

NAYS—25

Armstrong	Fisher	Mowery	Scanlon
Belan	Greenleaf	O'Pake	Stapleton
Bell	Holl	Pecora	Stout
Bodack	Jubelirer	Porterfield	Tilghman
Brightbill	Lewis	Reibman	Wenger
Corman	Loeper	Salvatore	Williams
Fattah			

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

RECONSIDERATION OF SB 1061

BILL OVER IN ORDER ON FINAL PASSAGE

Senator LINCOLN. Mr. President, I move that the vote by which Senate Bill No. 1061 failed on final passage be reconsidered.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I request that Senate Bill No. 1061 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on the Final Passage Calendar.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION, AMENDED

HB 1462 (Pr. No. 2280) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the Liquor Code, permitting certain sales on Super Bowl Sundays; and providing for additional activities of limited wineries and for money paid into the State Stores Fund.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART, by unanimous consent, offered the following amendment No. A3508:

Amend Bill, page 2, by inserting between lines 14 and 15:

Section 2. The act is amended by adding a section to read:

Section 408.11. Seasonal Outdoor Cafe.—(a) The board is authorized to issue a restricted restaurant license in a city of the first class for the retail sale of liquor and malt or brewed beverages by the glass, open bottle or other container or in any mixture for consumption in a seasonal temporary outdoor cafe located on premises owned by a city of the first class.

(b) The application for a license under this section may be filed at any time by a concessionaire selected and certified by the city of the first class and shall conform with all requirements for restaurant liquor licenses and applications, except as may otherwise be provided herein. The applicant shall submit such other information as the board may require. An application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee shall be as prescribed by law for restaurant licenses.

(c) Upon receipt of the application in proper form and the application fee and upon being satisfied that the applicant is of good repute and financially responsible, the board shall issue a license to the applicant.

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the city of the first class.

(e) The characteristics of a restaurant set forth in section 102 shall not apply to the seasonal temporary outdoor cafe licensed under

this section. The seasonal temporary outdoor cafe shall be an open-air facility with tables and chairs sufficient to seat at least thirty persons. The seasonal temporary outdoor cafe will consist of a temporary structure measuring not less than fourteen feet by ten feet by ten feet with a twenty feet by twenty feet tent adjacent to or connected to this structure over a twenty-four feet by twenty-four feet deck and located on property owned by a city of the first class.

(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000).

(g) Sales by the holder of a license issued under this section may be made, except to those persons prohibited under clause (1) of section 493, on premises owned by the city of the first class and available for use during the hours in which the seasonal temporary cafe is operated and up to one hour after the scheduled closing, and at functions which are incidental to the seasonal temporary cafe, but such sales may not be made beyond the hours expressed in the "Liquor Code" for the sale of liquor by restaurant licensees: Provided, however, That such sales may be made on Sunday between the hours of twelve o'clock noon and eight o'clock postmeridian.

(h) Whenever a contract is terminated prior to the expiration date provided in the contract between the city of the first class and the concessionaire, the city of the first class may select and certify to the board a different concessionaire and the board shall transfer that license to the new concessionaire. A license issued under this section shall not be transferred to any other location. If the license issued under this section is revoked, the board shall issue a new license to a qualified applicant without regard to the prohibition in section 471 against the grant of a license at the same premises for a period of at least one year.

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting:

3

Amend Sec. 3, page 4, line 7, by striking out "3" and inserting:

4

Amend Sec. 4, page 4, line 29, by striking out "4" and inserting:

5

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, by unanimous consent, offered the following amendment No. A3525:

Amend Title, page 1, line 17, by inserting after "providing": for containers,

Amend Bill, page 2, lines 1 through 4, by striking out all of said lines and inserting:

Section 1. The definitions of "container," "distributor" and "importing distributor" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), are amended and the section is amended by adding definitions to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"Carrier" shall mean and include any sealed receptacle or form of package as prepared for the market by the manufacturer at the place of manufacture, which is contained within a case, and which holds one or more original containers.

"Case" shall mean and include any box, crate or tray as prepared for the market by the manufacturer at the place of manufacture, which holds two or more original containers, loose or bound together.

* * *

"Container" shall mean and include any [receptacle,] vessel [or form of package], tank, vat, cask, barrel, drum, keg, can, bottle or conduit used or capable of use for holding, storing, transferring or shipment of alcohol, liquor or malt or brewed beverages.

* * *

"Distributor" shall mean any person licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages, except to importing distributors and distributors, in the original sealed containers and case as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twenty containers, each container holding twenty-two fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately. A distributor may sell identical containers of the same brand of malt or brewed beverages from a case to any person not licensed under this act, provided such containers are in their original carrier, and if each original carrier holds either twelve, fifteen or eighteen containers, each container holding seven fluid ounces or more.

* * *

"Importing distributor" shall mean any person licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers of malt or brewed beverages and importing distributors under this act, and the resale of malt or brewed beverages in the original sealed containers and case as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twenty containers, each container holding twenty-two fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately. An importing distributor may sell identical containers of the same brand of malt or brewed beverages from a case to any person not licensed under this act, provided such containers are in their original carrier, and if each original carrier holds either twelve, fifteen or eighteen containers, each container holding seven fluid ounces or more.

* * *

Section 2. Section 406(a) of the act is amended by adding a paragraph to read:

Amend Bill, page 2, line 15, by striking out all of said line and inserting:

Section 3. Sections 431(a) and (b), 440, 441(a) and (b) and 505.2 of the act are amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in [original containers,] the original sealed containers and case as prepared for the market by the manufacturer at the place of manufacture and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twenty containers, each container holding twenty-two fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in

addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. Every manufacturer shall keep at his or its principal place of business, within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, only in the original sealed containers and case as prepared for the market by the manufacturer at the place of manufacture, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twenty containers, each container holding twenty-two fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture. A distributor or importing distributor may sell identical containers of the same brand of malt or brewed beverages from a case to any person not licensed under this act, provided such containers are in their original carrier, and if each original carrier holds either twelve, fifteen or eighteen containers, each container holding seven fluid ounces or more. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the

holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

* * *

Section 440. Sales by Manufacturers of Malt or Brewed Beverages; Minimum Quantities.—No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold, nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board, nor in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twenty containers, each container holding twenty-two fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately; nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc.—(a) No distributor or importing distributor shall sell or deliver any malt or brewed beverages in quantities other than a case of twenty-four or more containers, each con-

tainer holding seven fluid ounces or more, as prepared for the market by the manufacturer at the place of manufacture, or a case of twenty containers, each container holding twenty-two fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately. However, a distributor or importing distributor may sell identical containers of the same brand of malt or brewed beverages from a case to any person not licensed under this act, providing such containers are in their original carrier, and if each original carrier holds either twelve, fifteen or eighteen containers, each container holding seven fluid ounces or more. No distributor or importing distributor shall purchase, receive or resell to or from any person licensed under this act any malt or brewed beverages except in the original case as prepared for the market by the manufacturer at the place of manufacture. No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture.

(b) [No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately: Provided, That no] No malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor, or in any place provided for such purpose by such distributor or importing distributor.

* * *

Amend Sec. 3, page 4, line 7, by striking out "3" and inserting:
4

Amend Sec. 4, page 4, line 29, by striking out "4" and inserting:
5

On the question,

Will the Senate agree to the amendment?

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

Senator LINCOLN. Mr. President, I reluctantly rise to oppose this amendment. I believe it could have a very detrimental impact on some of the smaller breweries in western Pennsylvania - Iron City, Stonies, Rolling Rock - and I think that this amendment is not in the best interest of those particular breweries. I know that Iron City has been making a valiant effort to survive, which means quite a few jobs in the city of Pittsburgh, and actually identification of that particular beer by that brewery, so I would ask for a negative vote.

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

Senator AFFLERBACH. Mr. President, just for the edification of the Members, because no one explained the amendment, this is the amendment that would permit beer distributors to sell beer by the 12-pack, and I would ask for an affirmative vote on the amendment.

PARLIAMENTARY INQUIRY

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

Senator SALVATORE. Mr. President, I would like a ruling from the Chair if I would be in conflict because my family owns a beer distributing business.

The PRESIDENT. The Chair thanks the gentleman for his inquiry, and the Chair would rule that in fact the gentleman is part of a class of individuals who are involved in that particular industry and therefore is not only permitted but required to vote if you are on the floor.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes that Senator Reibman is on the floor. Her temporary Capitol leave will be cancelled.

Senator Bortner is also with us. His temporary Capitol leave will be cancelled.

Senator Jones is also with us. Her temporary Capitol leave will be cancelled.

Senator Williams is also on the floor, and his leave will be cancelled.

The Chair would note that the only remaining individual on leave is Senator Shaffer, on temporary Capitol leave.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

Senator LOEPER. Mr. President, I would like to change Senator Shaffer's vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—29

Afflerbach	Helfrick	Mellow	Rhoades
Baker	Holl	Mowery	Salvatore
Bortner	Jones	Musto	Schwartz
Brightbill	Jubelirer	O'Pake	Shaffer
Corman	Lewis	Pecora	Tilghman
Fattah	Loeper	Punt	Wenger
Greenleaf	Madigan	Reibman	Williams
Hart			

NAYS—19

Andrezeski	Dawida	Lincoln	Shumaker
Armstrong	Fisher	Peterson	Stapleton
Belan	Fumo	Porterfield	Stewart
Bell	LaValle	Robbins	Stout
Bodack	Lemmond	Scanlon	

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

The PRESIDENT. House Bill No. 1462 will go over in its order as amended.

HB 1340 CALLED UP OUT OF ORDER

HB 1340 (Pr. No. 1914) -- Without objection, the bill was called up out of order, from page 11 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED AND REREFERRED

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 acknowledgment of paternity.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3627:

Amend Title, page 1, line 4, by inserting after "Welfare": for postsecondary educational costs

Amend Bill, page 1, by inserting between lines 9 and 10:

It is the intention of the General Assembly, by enacting 23 Pa.C.S. § 4327 (relating to postsecondary educational costs), to codify the decision of the Superior Court in the case of Ulmer v. Sommerville, 200 Pa. Superior Ct. 640, 190 A.2d182 (1963) and the subsequent line of cases interpreting Ulmer prior to the decision of the Pennsylvania Supreme Court in Blue v. Blue, — Pa. —, 616 A.2d628 (Pa. 1992), decided on November 13, 1992.

Further, the General Assembly finds that it has a rational and legitimate governmental interest in requiring some parental financial assistance for a higher education for children of parents who are separated, divorced, unmarried or otherwise subject to an existing support obligation.

Amend Sec. 2, page 2, lines 2 through 30; page 3, lines 1 through 30; page 4, lines 1 through 6, by striking out all of said lines on said pages and inserting:

Section 2. Section 4306 of Title 23 is amended to read:

Amend Sec. 3, page 4, line 27, by striking out "a section" and inserting: sections

Amend Sec. 3, page 5, by inserting between lines 8 and 9: § 4327. Postsecondary educational costs.

(a) General rule.—Where applicable under this section, a court may order either or both parents who are separated, divorced, unmarried or otherwise subject to an existing support obligation, to provide equitably for educational costs of their child whether an application for this support is made before or after the child has reached 18 years of age. The responsibility to provide for postsecondary educational expenses is a shared responsibility between both parents. The duty of a parent to provide a postsecondary education for a child is not as exacting a requirement as the duty to provide food, clothing and shelter for a child of tender years unable to support himself. This authority shall extend to postsecondary education, including periods of un-

high school. An award for postsecondary educational costs may be entered only after the child or student has made reasonable efforts to apply for scholarships, grants and work-study assistance.

(b) Action to recover educational expenses.—An action to recover educational costs may be commenced:

(1) by the student if over 18 years of age; or

(2) by either parent on behalf of a child under 18 years of age, but if the student is over 18 years of age, the student's written consent to the action must be secured.

(c) Calculation of educational costs.—In making an award under this section, the court shall calculate educational costs as defined in this section.

(d) Grants and scholarships.—The court shall deduct from the educational costs all grants and scholarships awarded to the student.

(e) Other relevant factors.—After calculating educational costs and deducting grants and scholarships, the court may order either parent or both parents to pay all or part of the remaining educational costs of their child. The court shall consider all relevant factors which appear reasonable, equitable and necessary, including the following:

(1) The financial resources of both parents.

(2) The financial resources of the student.

(3) The receipt of educational loans and other financial assistance by the student.

(4) The ability, willingness and desire of the student to pursue and complete the course of study.

(5) Any willful estrangement between parent and student caused by the student after attaining majority.

(6) The ability of the student to contribute to the student's expenses through gainful employment. The student's history of employment is material under this paragraph.

(7) Any other relevant factors.

(f) When liability may not be found.—A court shall not order support for educational costs if any of the following circumstances exist:

(1) Undue financial hardship would result to the parent.

(2) The educational costs would be a contribution for postcollege graduate educational costs.

(3) The order would extend support for the student beyond the student's twenty-third birthday. If exceptional circumstances exist, the court may order educational support for the student beyond the student's twenty-third birthday.

(g) Parent's obligation.—A parent's obligation to contribute toward the educational costs of a student shall not include payments to the other parent for the student's living expenses at home unless the student resides at home with the other parent and commutes to school.

(h) Termination or modification of orders.—Any party may request modification or termination of an order entered under this section upon proof of change in educational status of the student, a material change in the financial status of any party or other relevant factors.

(i) Applicability.—

(1) This act shall apply to all divorce decrees, support agreements, support orders, agreed or stipulated court orders, property settlement agreements, equitable distribution agreements, custody agreements and/or court orders, and agreed to or stipulated court orders in effect on, executed or entered since, November 12, 1992.

(2) In addition, this act shall apply to all pending actions for support. This section shall not supersede or modify the express terms of a voluntary written marital settlement agreement or any court order entered pursuant thereto.

(j) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Educational costs." Tuition, fees, books, room, board and other educational materials.

"Postsecondary education." An educational or vocational program provided at a college, university or other postsecondary vocational, secretarial, business or technical school.

On the question,

Will the Senate agree to the amendment?

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

Senator LINCOLN. Mr. President, House Bill No. 1340 is referred to as the delinquent parent bill. Several weeks ago Senator Reibman had a bill passed here in the Senate, Senate Bill No. 508, which dealt with an issue more commonly known as *Blue vs. Blue*. Today there was an amendment added to that bill in the House by Representative Piccola, and because of the timeframe and everything involved in this, there was some concern about whether that particular bill, as amended, could get back to this Chamber. So the gentlewoman from Northampton, Senator Reibman, has drafted an amendment, which is Senate Bill No. 508 exactly the way it passed the Senate, with the Piccola amendment in it, which she has agreed to accept. We are hoping that we could pass this amendment and then recommit this bill to the Committee on Appropriations for a fiscal note, pop it back out on a Supplemental Calendar and then pass it, and the House is waiting for it. There is a very serious urgency about this. If we do not do this before the summer break, the gentlewoman from Northampton, Senator Reibman, is concerned that there will be endless numbers of young men and women who will not be able to go to college because of their inability to finance it and because of the inability of one parent or the other for some reason or other not wanting to pay for their own child to go to college. The bill passed overwhelmingly in the Senate, and I would ask that we adopt this amendment and continue on through the evening and finally pass the bill as amended.

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

Senator JUBELIRER. Mr. President, I just want to add to the remarks of the gentleman from Fayette, Senator Lincoln, on House Bill No. 1340 that it is a change in the marking, but we have caucused on it. It deals with the Supreme Court's decision on *Blue vs. Blue*, with the Piccola amendment, which, frankly, limits it to divorced and separated parents only, and I just want to make sure, Mr. President, that all Members understand the amendment, and if they do not, I think that we should take the time and the gentlewoman from Northampton, Senator Reibman, can stand for interrogation, since it is her amendment. But it is a bill that we have voted on, most voted for it, some I think voted against it, but at least we have dealt with it before. I just do not want any Member to vote on something when the marking is changed and not realize that there has been a change.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

LEGISLATIVE LEAVES

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

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

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

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Salvatore and Senator Bell.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Salvatore and Senator Bell. The Chair hears no objection. Those leaves will be granted as well.

And the question recurring,

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

Senator LINCOLN. Mr. President, I move that House Bill No. 1340, as amended, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 1340, as amended, will be rereferred to the Committee on Appropriations.

RECESS

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

Senator LINCOLN. Mr. President, I would request a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to be held off the floor, and a meeting of the Committee on Appropriations to be held off the floor. I would say in 15 minutes we will be back working on the Calendar.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to convene to consider House Bill No. 1340 and Senate Bill No. 759.

The PRESIDENT. And for purposes of a meeting of the Committee on Rules and Executive Nominations, followed by a meeting of the Committee on Appropriations, the Senate will stand in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 986 (Pr. No. 2289) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing designation of and regulating outdoor advertising along a scenic byway; and 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 leaving an unattended child in a motor vehicle, 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.

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

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

NAYS—0

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

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senators Lewis, Senator Bodack, and Senator Reibman. The Chair hears no objections. Those leaves will be

granted.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 2**

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1126 (Pr. No. 1531) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for definitions, for applicable elected representatives, for purposes and powers, for powers of the financing authority, for financing authority indebtedness, for financing authority loans, for industrial and commercial development authorities, for bonds and for competition in award of contracts.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 6 (Pr. No. 2220) -- The Senate proceeded to consideration of the bill, entitled:

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

sion, for police training, for penalties and for reimbursement of training expenses.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HB 27 (Pr. No. 476) -- The Senate proceeded to consideration of the bill, entitled:

An Act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 41 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 52 (Pr. No. 2279) — 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 transfer tax revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, Department of Community Affairs, Department of Education, the Pennsylvania Historical and Museum Commission, the State System of Higher Education, Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; requiring a transfer from the Realty Transfer Tax Account in the General Fund; and making an appropriation.

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 Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would just like to take this opportunity to alert the Members that this essentially is the Key '93 proposal, and I would like to take this opportunity to thank Senator Lincoln, as the Majority Leader, for his cooperation in working with us and all the interest groups throughout Pennsylvania. There were 34 cosponsors in the Senate on this legislation, and I think if we look at the list of groups that this legislation helps, all our municipalities, our State Parks, our public libraries, our zoos, the Game Commission, the Fish Commission, the Historic and Museum Commission, we will make a major landmark with the passage of this legislation, and I look forward to the support of all members of the Senate.

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.

HB 41 CALLED UP

HB 41 (Pr. No. 2277) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator LINCOLN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 41 (Pr. No. 2277) — 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?

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

Senator ROBBINS. Mr. President, I rise in support of House Bill No. 41. This bill extends the life of the Pennsylvania Conservation Corps, which over the past 9 years has given economically disadvantaged youth the opportunity to earn a paycheck and learn job skills while undertaking community-based projects ranging from park and recreation renovations to restoration of historic sites. I attribute the success of the Pennsylvania Conservation Corps to its main goal of promoting a strong work ethic among the men and women who participate. Through required work experience, the program teaches these young adults the responsibilities associated with earning a paycheck - promptness, accountability, teamwork, and quality workmanship. It also teaches them the importance

of contributing to the betterment of their community or neighborhood. Examples of this program are the cabins that have been built at our various State Parks, including Pymatuning State Park in my district. When a similar bill was considered in May, I emphasized the importance of maintaining the theme of required work experience, and I am pleased today that this measure has come back to that philosophy, and I encourage a "yes" vote on the bill.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, I want to thank my colleagues on the other side of the aisle for their cooperation. This bill does what all of us talk about doing, and that is, letting young people work, develop skills, self-esteem, bring home a paycheck instead of being on the public welfare rolls, and I urge its prompt adoption so that we can get this to the Governor's desk.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

The 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.

SB 601 CALLED UP OUT OF ORDER

SB 601 (Pr. No. 640) -- Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

SB 601 (Pr. No. 640) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Secretary of Public Welfare and the Governor, to convey to The Association for Independent Growth, Inc., a tract of land situate in the City of Philadelphia, Philadelphia County.

On the question,

Will the Senate agree to the bill on third consideration?

LINCOLN AMENDMENT I

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3630:

Amend Sec. 3, page 2, lines 18 and 19, by striking out "The Association for Independent Growth, Inc., in conjunction with"

On the question,

Will the Senate agree to the amendment?

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

Senator STOUT. Mr. President, I wonder if the Majority Leader would explain the amendment. I do not recall it having been discussed in caucus.

Mr. President, I have been thoroughly advised of what is going on, at 10:30. Thank you, Mr. President.

Senator LINCOLN. I thank the gentleman for listening so intently.

The PRESIDENT. Well, with Senator Stout's enlightenment, we can proceed with the process.

The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, my curiosity is aroused. I, too, would like to know what the amendment is.

Senator LINCOLN. Mr. President, can we talk privately like I did with Senator Stout?

The PRESIDENT. Senator Stout will talk to you privately, Senator Holl.

Senator HOLL. I am sure the press is going to appreciate this kind of action.

LEGISLATIVE LEAVES CANCELLED

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

Senator WENGER. Mr. President, I would like to note that Senator Bell has returned to the floor and his leave should be cancelled.

The PRESIDENT. Senator Bell is indeed with us. His temporary Capitol leave will be cancelled.

The Chair recognizes the presence on the floor of Senator Salvatore, whose temporary Capitol leave will be cancelled as well.

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

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

LINCOLN AMENDMENT II

Senator LINCOLN, by unanimous consent, offered the following amendment No. A2927:

Amend Sec. 3, page 2, lines 21 and 22, by striking out "The Deputy Secretary of the Office of Mental Retardation" and inserting: The Secretary of Public Welfare

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

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

LINCOLN AMENDMENT III

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3423:

Amend Sec. 3, page 2, line 23, by inserting after "expenditures.": The deed shall also contain a clause that the grantee shall obtain the prior written approval of the Secretary of General Services and the Secretary of Public Welfare before selling or otherwise transferring the property to any other person.

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

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

LINCOLN AMENDMENT IV

Senator LINCOLN, by unanimous consent, offered the following amendment No. A1915:

Amend Sec. 3, page 2, line 14, by inserting after "income": or proceeds

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

The PRESIDENT. Senate Bill No. 601 will go over in its order, as amended.

HB 712 CALLED UP OUT OF ORDER

HB 712 (Pr. No. 1631) -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 712 (Pr. No. 1631) -- 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 Secretary of Environmental Resources, to convey to the County of Northumberland, land situate in the City of Shamokin, Northumberland County, Pennsylvania.

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

LOEPER AMENDMENT I

Senator WENGER, on behalf of Senator LOEPER, by unanimous consent, offered the following amendment No. A2610:

Amend Title, page 1, line 6, by removing the period after "Pennsylvania" and inserting: and to convey to the Redevelopment Authority of Delaware County a tract of land situate in Darby Township, Delaware County, Pennsylvania; and making a repeal.

Amend Sec. 1, page 1, line 9, by inserting before "The": (a)
Amend Sec. 2, page 2, line 4, by striking out "Section 2." and inserting: (b)

Amend Sec. 3, page 2, line 9, by striking out "Section 3." and inserting: (c)

Amend Sec. 4, page 2, line 16, by striking out "Section 4." and inserting: (d)

Amend Sec. 5, page 2, line 25, by striking out "Section 5." and inserting: (e)

Amend Sec. 6, page 2, line 29, by striking out "Section 6." and inserting: (f)

Amend Bill, page 2, by inserting after line 30:
Section 2. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to convey to the Redevelopment Authority of Delaware County the following tract of land situate in Darby Township, Delaware County, Pennsylvania, for a consideration of \$500:

All that certain lot or piece of land with the buildings and improvements thereon erected, hereditaments and appurtenances, situate on the southeast side of Bonsall Avenue at the distance of 300 feet southwest of Brennan Avenue, at Sharon Hill, in the Township of Darby, in the County of Delaware and State of Pennsylvania, and being known as Lot No. 114 Bonsall Tract.

Containing in front or breadth on the said Bonsall Avenue 25 feet and in depth southeastwardly between parallel lines at right angles 100 feet.

Bounded on the northeast and southwest by lands now or late of John H. Scott Estate and on the southeast by lands now or late of Humphreys H. Grobes.

Being the same premises which The Glenolden Building and Loan Association, by Indenture bearing date the 28th day of October, A.D. 1943, and recorded in the Office of the Recorder of Deeds &c., in and for the County of Delaware, aforesaid, in Deed Book 1106, Page 336, granted and conveyed unto Ralph Page and Georgette Page, his wife, in fee.

And the said Ralph Page has since departed this life on or about the 1st day of November, A.D. 1953.

And the said Georgette Page, also known as Georgetta Page, died on or about the 2nd day of December, A.D. 1957, leaving a will dated the 2nd day of December, A.D. 1954, and duly probated and registered in Delaware County in Will Book 130, Page 407.

And by written assignments dated the 2nd day of December, A.D. 1957, and the 28th day of April, A.D. 1958, Evelyn A. Lucas assigned her commission as Executrix of the above-captioned dece-

dent's estate and her interest in the estate, to the Commonwealth of Pennsylvania, Department of Public Assistance.

And by award of the Orphan's Court of Delaware County as of #497 of 1964, dated the 15th day of October, A.D. 1965, the said premises were awarded unto Commonwealth of Pennsylvania, Department of Public Assistance, an excerpt of which is recorded at Media in Deed Book 2227, Page 159.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(d) Costs and fees incidental to this conveyance shall be borne by the grantee.

Section 3. Section 1(2) of the act of December 16, 1992 (P.L.1192, No.153), entitled "An act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey two tracts of land situate in the Township of Upper Gwynedd, Montgomery County, Pennsylvania, to the Wissahickon Valley Watershed Association, Inc., a tract in Tarentum Borough, Allegheny County, to Allegheny Property Development Corporation and a tract of land situate in Monroe Township, Snyder County, to Northumberland Boat Club; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to grant and convey to the County of Somerset, land situate in the Township of Somerset, Somerset County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Northampton Area School District a tract of land situate in East Allen Township, Northampton County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Northampton Area School District a tract of land situate in East Allen Township and Allen Township, Northampton County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania," is repealed.

Amend Sec. 7, page 3, line 1, by striking out "7" and inserting:

4

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?

SHUMAKER AMENDMENT I

Senator WENGER, on behalf of Senator SHUMAKER, by unanimous consent, offered the following amendment No. A2273:

Amend Title, page 1, line 6, by removing the period after "Pennsylvania" and inserting: ; authorizing Millersburg Borough, Dauphin County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Act; and providing for use of sale proceeds.

Amend Sec. 1, page 1, line 9, by inserting after "1.": (a)

Amend Sec. 2, page 2, line 4, by striking out "Section 2." and inserting: (b)

Amend Sec. 3, page 2, line 9, by striking out "Section 3." and

inserting: (c)

Amend Sec. 4, page 2, line 16, by striking out "Section 4." and inserting: (d)

Amend Sec. 5, page 2, line 25, by striking out "Section 5." and inserting: (e)

Amend Sec. 6, page 2, line 29, by striking out "Section 6." and inserting: (f)

Amend Bill, page 2, by inserting after line 30:

Section 2. (a) Pursuant to the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the release of Project 70 restrictions and sale of the lands owned by Millersburg Borough, which are more particularly described in subsection (c).

(b) The lands described in subsection (c) shall be free of restrictions on use and alienation imposed by the Project 70 Land Acquisition and Borrowing Act upon conveyance of said lands by Millersburg Borough.

(c) The parcel of land to be released from Project 70 restrictions is situated in Millersburg Borough, Dauphin County, and more particularly described as follows:

Beginning at a point on the north side of North Street said point being located 383.50 feet east of the northeast corner of Church and North Streets; thence along the lands of William A. Specht, Jr. and Janet E. Specht north 11 degrees 30 minutes west, 153 feet to a point; thence along the same south 78 degrees 30 minutes west, a distance of 119.61 feet to a point; thence along other lands of William A. Specht, Jr. and Janet E. Specht north 0 degrees 16 minutes west, 61.17 feet to a point; thence along other lands of the Borough of Millersburg known as Seal Memorial Park north 78 degrees 30 minutes east, 122.69 feet to a point; thence along the same south 11 degrees 30 minutes east, 213 feet to a point on the northern right-of-way of North Street; thence along North Street south 78 degrees 30 minutes west, 15 feet to a point and place of beginning.

Containing 10,014 square feet or 0.2299 acres.

(d) All proceeds from the sale of the lands described in subsection (c) shall be deposited into a special account and used by Millersburg Borough for improvements to adjoining Project 70 parkland or for acquisition of other parkland.

Amend Sec. 7, page 3, line 1, by striking out "7" and inserting:
3

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

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

LINCOLN AMENDMENT I

Senator LINCOLN, by unanimous consent, offered the following amendment No. A2916:

Amend Sec. 2, page 2, lines 7 and 8, by striking out "Housing Authority of the City of Shamokin" and inserting: County of Northumberland

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

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

SB 314 TAKEN FROM THE TABLE

Senator LINCOLN. Mr. President, I move that Senate Bill No. 314, Printer's No. 330, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

CONSIDERATION OF CALENDAR RESUMED

HB 84 CALLED UP

HB 84 (Pr. No. 2223) -- Without objection, the bill, which previously went over in its order, was called up, from page 5 of the Third Consideration Calendar, by Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED

HB 84 (Pr. No. 2223) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

POINT OF INFORMATION

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

Senator WILLIAMS. Mr. President, a point of information. I would like to know when we are going to bring up fiber optics. I am getting sleepy, and it is a very important bill and I want to be awake. I would just like to know, Mr. President, when we are going to entertain that?

Right now? I told you I was sleepy, Mr. President.

The PRESIDENT. House Bill No. 84 is the business at hand, Senator. Your timing is impeccable.

And the question recurring,

Will the Senate agree to the bill on third consideration?

CORMAN AMENDMENT I

Senator CORMAN, by unanimous consent, offered the following amendment No. A3479:

Amend Sec. 1 (Sec. 3004), page 12, by inserting between lines 21 and 22:

(16) Shows how the local exchange telecommunications company will comply with section 3005(g)(2).

Amend Sec. 1 (Sec. 3005), page 14, line 18, by inserting after "CONSUMERS": and that they comply with subsection (g)(2)

On the question,

Will the Senate agree to the amendment?

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

Senator CORMAN. Mr. President, this would amend this piece of legislation to require that telephone companies include in their initial plan the manner in which they intend to comply with a requirement that says there would not be any cross - what is the word? The evening is late. Funding of their competitive and noncompetitive - cross-subsidization of their programs.

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

Senator LINCOLN. Mr. President, the content of this amendment is already in the bill. I mean, it is there. There is no question about it. This is redundant. I do not oppose what he is doing, but it is already in the bill.

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

Senator CORMAN. Mr. President, I beg to differ with the gentleman. It says in the bill that the PUC would be required to see that there was not a cross-subsidy. However, it does not require the companies to show how they are going to provide for the service without having cross-subsidization.

The PRESIDENT. The Chair thanks the gentlemen for the colloquy, and the question is, will the Senate agree to the amendment?

On the amendment, Senator Lincoln.

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

And the question recurring,

Will the Senate agree to the amendment?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—21

Bell	Holl	Musto	Robbins
Brightbill	Jubelirer	O'Pake	Schwartz
Corman	Lemmond	Punt	Stapleton
Fattah	Madigan	Reibman	Tilghman
Fisher	Mowery	Rhoades	Williams
Hart			

NAYS—27

Afflerbach	Dawida	Lincoln	Scanlon
Andrezeski	Fumo	Loeper	Shaffer
Armstrong	Greenleaf	Mellow	Shumaker
Baker	Helfrick	Pecora	Stewart
Belan	Jones	Peterson	Stout
Bodack	LaValle	Porterfield	Wenger
Bortner	Lewis	Salvatore	

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

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

CORMAN AMENDMENT II

Senator CORMAN, by unanimous consent, offered the following amendment No. A3516:

Amend Sec. 1 (Sec. 3009), page 25, line 3, by striking out "NOT LATER THAN" and inserting: Every

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

LEGISLATIVE LEAVE

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

Senator WENGER. Mr. President, I request a temporary Capitol leave for Senator Helfrick.

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

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

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

Senator CORMAN. Mr. President, the bill requires the telephone companies to report to the PUC every 2 years on their progress, but the bill only requires the PUC to advise us after the first 2 years of what progress is being made. This amendment would require the PUC to advise the General Assembly and the Governor every 2 years of what progress is being made.

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

Senator LINCOLN. Mr. President, I would oppose the amendment. I see no reason. The most important part of the reporting process is that the company has to report to the PUC. I would venture to guess that there are reports sent to us by different agencies because we force them to, which wastes a lot of time, effort, and money because they are very seldom read. And I think that the important thing is that the PUC, whom we have entrusted to be the guardians of this particular project. will be getting semiannual reports, and for that basis, I would oppose the amendment.

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

Senator RHOADES. Mr. President, I speak on behalf of the amendment. There is only one requirement in the first 2 years that there be notification. Then after that, we are going to talk ourselves into the program into the year 2015, and it is only 1993. We are not going to know who is doing what, where, when, or how, or be able to enforce what is going to be a very major and serious vote that is going to be taken today. I think it is imperative. I think it is necessary that we know that as we plot ourselves out, at least every 2 years we have a check to see if the rural areas are being addressed, if the urban and the

suburban areas are being addressed, and if the program is being adhered to, at least that we have some review and some oversight.

Thank you, Mr. President.

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

(During the calling of the roll, the following occurred:)
Senator BRIGHTBILL. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—30

Armstrong	Hart	Musto	Schwartz
Bell	Helfrick	Pecora	Shaffer
Bortner	Holl	Peterson	Shumaker
Brightbill	Jubelirer	Punt	Stapleton
Corman	LaValle	Reibman	Tilghman
Fattah	Lemmond	Rhoades	Wenger
Fisher	Madigan	Robbins	Williams
Greenleaf	Mowery		

NAYS—18

Afflerbach	Dawida	Loeper	Salvatore
Andrezeski	Fumo	Mellow	Scanlon
Baker	Jones	O'Pake	Stewart
Belan	Lewis	Porterfield	Stout
Bodack	Lincoln		

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Dawida, and his legislative leave will be cancelled.

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

DAWIDA AMENDMENT I

Senator DAWIDA, by unanimous consent, offered the following amendment No. A3522:

Amend Sec. 1 (Sec. 3002), page 4, line 23, by striking out "AUTHORIZED" and inserting: certificated

Amend Sec. 1 (Sec. 3002), page 4, line 27, by striking out "AUTHORIZED" and inserting: certificated

Amend Sec. 1 (Sec. 3005), page 14, line 18, by inserting after

"CONSUMERS.": At a minimum, the regulations must ensure that both competitive and noncompetitive services are offered on a reasonable and nondiscriminatory basis and must impose the following obligations on the local exchange telecommunications company:

(1) Provide to any entity designated a common carrier by the Federal Communications Commission seeking to provide telecommunications services, upon bona fide request, at a rate based solely on the direct cost of providing the service, including a reasonable rate of return:

(i) interconnection to the local exchange telecommunications company's telecommunications facilities at any technically feasible point within the local exchange telecommunications company's network;

(ii) nondiscriminatory access to any of the local exchange telecommunications company's telecommunications facilities and information necessary to the transmission and routing of any telecommunications service and the interoperability of the networks;

(iii) nondiscriminatory access, where technically feasible, to poles, ducts, conduits and rights-of-way owned or controlled by the local exchange telecommunications company;

(iv) nondiscriminatory access to the network functions of the local exchange telecommunications company's network, which shall be offered on an unbundled basis; and

(v) telecommunications services and network functions without any restrictions on the resale or sharing of those services and functions.

(2) Offer simultaneously to nonaffiliated telecommunications providers:

(i) all services and features that are offered to the local exchange telecommunications company's affiliates or their joint venture partners; and

(ii) all information regarding network design, technical standards and numbering plans that is disclosed to their own affiliates or their joint venture partners.

(3) Will not otherwise unduly or unreasonably prejudice, disadvantage or discriminate among similarly situated customers or other providers of telecommunications services.

Amend Sec. 1 (Sec. 3009), page 24, by inserting between lines 25 and 26: (6) The commission shall promulgate regulations which acknowledge the introduction of new telecommunications services and the need for a reexamination of the current universal service program based on a single telephone service provider.

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

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

Senator DAWIDA. Mr. President, I think this is a fairly easy amendment in that it does not take anything away from anybody and it promotes consumer choice. The amendment creates a level playing field for what we would call cellular telephones. Language insures that the phone company must charge all the companies the same fee for access to their network.

A real simple explanation of this is that Bell Telephone has its own cellular subsidiary company and obviously it would not be fair if they were able to lower the rates on their own subsidiary 20 percent. It would drive everybody else out of the business. It is thought by the people who drafted this bill that this protection is in there. However, I will put into the record, if you would, this letter from the PUC suggesting that they believe it is in there, and if it is not in there, they will put it in

rules. But I think it would be better if we made sure it was in the bill, and I ask for an affirmative vote.

The PRESIDENT. Without objection, the remarks will appear in the Journal.

(The following letter was made a part of the record at the request of the gentleman from Allegheny, Senator DAWIDA:)

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Honorable Michael M. Dawida
Senate of Pennsylvania
168 Main Capitol Building
Harrisburg PA 17120

Re: Amendment A3370

Dear Senator Dawida:

Per your request, Commission legal staff has reviewed amendment A3370 to amendment A3365 to House Bill No. 84 which was released by the Legislative Reference Bureau on June 22, 1993. The amendments would mandate the Commission to promulgate regulations consistent with very specific standards governing the relationship between local exchange telephone companies (LECs) and telecommunications common carriers to assure a 'level playing field' between LECs, LEC affiliates and competitors. My understanding is that the amendment is designed to assure that cellular companies have nondiscriminatory access to LEC facilities to allow for fair competition with unregulated LEC affiliate cellular companies and the LEC itself.

Upon review, I have been advised by staff that pursuant to Section 3005(b) and (e) and Section 3009 (b) (2) and (3) of amendment A3365 to H.B. 84 and current Public Utility Code provisions at 66 Pa. C.S. subsections 501, 1501 and Chapter 21, there is more than adequate enabling legislation to authorize the Commission to promulgate regulations, without further amendment, which cover all of the subject matter addressed in amendment A3370 in fulfilling the legislative mandate to assure a 'level playing field.'

Generally speaking, it is the Commission's view that a general mandate to our agency is preferable and that specific provisions as contained in amendment A3370 are more appropriately addressed in the rulemaking process. In this regard, the Commission welcomes the active participation of all interested parties in the development and promulgation of all regulations which would ultimately result if H.B. 84 is passed into law.

I trust that I have adequately responded to your concerns regarding this matter.

Sincerely,

KEVIN CADDEN
Director, Bureau of
Public Liaison

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

Senator LINCOLN. Mr. President, I would oppose the amendment. I think the letter very clearly states that this is not necessary. And beyond that, it is something that goes to a very technical means of regulating an industry and not a policy statement such as we are doing in legislation, and I really think that this could be very damaging to our efforts on fiber optics, and it really has very little to do with that. Only for that reason, I would ask for a negative vote.

The PRESIDENT. On the amendment, the Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, I would join with the Majority Leader in asking for a negative vote on this issue, and I would do that for several reasons.

First of all, he has indicated, and I think Senator Dawida has made reference to the fact that this issue has been discussed since it first arose in the last day or so since this issue came before the Committee on Communications and High Technology. The PUC has indicated that they believe that these concerns are already adequately addressed in this bill and in other parts of the Public Utility Code. If necessary, this could be addressed by separate legislation. We do not feel that is necessary.

I certainly would not argue that this issue is not germane, because it certainly technically is. It is not, however, really related to the issue at hand, and that is the matter of fiber optics. This concerns the issue or an issue as to the access charges that are leveled against a cellular company when they want to tap into the land base lines for the local exchange companies.

I am not dismissing it as an important issue or a significant issue. It is, however, not related to the deployment of the broadband network or the regulations or authority for the PUC to regulate competitive services or provide alternative regulation for competitive services. I think it would be better addressed in separate legislation, if it is determined that that is necessary. I think it makes what is already a fairly complicated, complex issue even more complicated, and I would join the Majority Leader in asking for a negative vote on this amendment.

LEGISLATIVE LEAVE

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

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

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

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

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

YEAS—8

Bell	Fattah	Hart	Robbins
Dawida	Fisher	Rhoades	Williams

NAYS—40

Afflerbach	Greenleaf	Madigan	Salvatore
Andrezeski	Helfrick	Mellow	Scanlon
Armstrong	Holl	Mowery	Schwartz
Baker	Jones	Musto	Shaffer
Belan	Jubelirer	O'Pake	Shumaker

Bodack	LaValle	Pecora	Stapleton
Bortner	Lemmond	Peterson	Stewart
Brightbill	Lewis	Porterfield	Stout
Corman	Lincoln	Punt	Tilghman
Fumo	Loeper	Reibman	Wenger

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

And the question recurring,

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

PETERSON AMENDMENT I

Senator PETERSON, by unanimous consent, offered the following amendment No. A3506:

Amend Sec. 1 (Sec. 3001), page 2, line 17, by striking out "ENCOURAGING" and inserting: ensuring

Amend Sec. 1 (Sec. 3001), page 2, line 20, by striking out "INCLUDING" and inserting: with a first priority of

Amend Sec. 1 (Sec. 3001), page 3, line 19, by striking out "REGION" and inserting: geographic area

Amend Sec. 1 (Sec. 3003), page 7, line 21, by inserting after "ACT.": Deployment under this paragraph shall be a first priority in the implementation plan.

Amend Sec. 1 (Sec. 3004), page 12, by inserting between lines 21 and 22:

(16) Ensures the deployment of broadband facilities in or adjacent to the public rights-of-way abutting public schools, including the administrative offices supporting public schools; industrial parks; and health care facilities as defined in the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(17) Ensures that deployment in areas set forth in paragraph (16) is a first priority in the local exchange telecommunications company's plan.

(18) Ensures a reasonably balanced deployment of its broadband network among rural, urban and suburban areas within its service territory.

Amend Sec. 1 (Sec. 3005), page 16, line 17, by striking out "MUST" and inserting: shall

Amend Sec. 1 (Sec. 3005), page 16, line 22, by striking out "SHALL BE PROHIBITED FROM ENGAGING IN" and inserting: may not do any of

Amend Sec. 1 (Sec. 3005), page 16, lines 23 and 24, by striking out "THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY SHALL NOT MAINTAIN" and inserting: Maintain

Amend Sec. 1 (Sec. 3005), page 16, lines 26 and 27, by striking out "A LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY MAY NOT USE" and inserting: Use

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

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

Senator PETERSON. Mr. President, this amendment does two basic things. First, we would insure that telecommunications infrastructure is deployed as a first priority near schools, industrial parks, and health care facilities. Now, those are in the bill as a priority, but we are stating as a first priority. Those are the most important parts of our communities that need to be wired. And we also would require that the PUC review plans for that purpose, and to also insure a balanced

deployment. These are the two new sections, that the PUC would be required to review plans to make sure that the first priority is our schools, industrial parks, and health care facilities, and to assure a balanced deployment in rural, urban, and suburban areas.

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

Senator FATTAH. Mr. President, can I ask that the maker of the amendment stand for brief, friendly interrogation on this amendment?

The PRESIDENT. Will the gentleman from Venango, Senator Peterson, permit himself to be interrogated?

Senator PETERSON. I will, Mr. President.

The PRESIDENT. The gentleman may proceed, if it is friendly.

Senator FATTAH. Mr. President, I note throughout the bill that it relates to this deployment throughout various sections of the Commonwealth - urban, rural, suburban. That wording is used a number of times. Now, in urban areas, you know, we kind of live next door to each other. In rural areas people live miles away from each other. I would assume that there would be, perhaps, a differential in costs in terms of laying these fiber optics. Would that be correct?

Senator PETERSON. Mr. President, you would not serve as many people, probably, with every foot of fiber. One of the differences, though, in urban areas in Pennsylvania, you are going to have competing fiber optics networks. You are not going to have just one. They are already being built in urban areas by telephone companies, by cable companies, and some by other institutions that presently want that capability. Rural areas, if not treated—that is one of the real purposes of this bill, that all of Pennsylvania gets the infrastructure that is needed for our economic future. It is just like we build highways to everybody.

Senator FATTAH. Mr. President, absolutely. I am not trying to set up a competition between urban and rural. I am trying to get an understanding, because obviously the speaker understands this very complex subject a little bit better than I do. Is there a cost differential per person, in your estimation, given what you know about the game plan for laying this fiber optics, of rural versus urban?

Senator PETERSON. Mr. President, yes, absolutely. And I think that is the important part of this legislation. If we were only concerned about our urban areas of Pennsylvania, we probably would not need this bill. Now, I would still say, though, that even in urban areas and suburban areas we would have competing incomplete networks.

Senator FATTAH. Okay, Mr. President.

Senator PETERSON. Mr. President, the reason for this bill is so that we have a complete network that reaches, at some point, everybody, and hopefully soon all of our industries and our schools and our health care facilities, which can benefit us greatly in the educational process in transmitting information. But one of the real needs for having an infrastructure bill, an incentive, is that we make sure we tie everybody in Pennsylvania into it and give everybody access to the wonderful world

of technology that is out there.

Senator FATTAH. Mr. President, okay. And the last question, Mr. President, on this subject, is there presently any State or Commonwealth in the nation that has a 100-percent broadband network like this, or is in the process of developing one, that we have modeled this legislation or your amendment after that could give us some guidance on this?

Senator PETERSON. Mr. President, I think there are States that are pretty well completed. I have forgotten the names now. We went through that a long time ago, way back when we started this issue, 3 or 4 years ago. But we are not leading the world on this issue. We are one of the last States. Many States have done it through an aggressive PUC procedure that has done many of the things we are doing legislatively to build the incentives in, and we just have not done that in Pennsylvania. When the study was done for the Chamber of Commerce, they said on this issue that our PUC was behind the times. They were dragging their feet. They were being very conservative, so we were really going to be left behind in the technology explosion in this world because we had no incentives. We had no reasons to help build the complete network.

Senator FATTAH. Mr. President, thank you.

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

Senator LINCOLN. Mr. President, I rise to oppose the amendment. Even though it sounds like a very reasonable approach, I do not believe we have a pattern for each community that this work is going to be done in that would say that the school is going to be on the first street, the health care facility would be on the second street, whatever else, the industrial parks will be on the third street. I believe the added costs of doing it in this manner could be prohibitive in that when you get to a community, if the school was three-fourths of the way through the community and you had to go there first and then come back and start, or go from there and then go all the way across the community to the health care facility before you did any of the other parts of the community, I believe that this could be very costly, and I do not believe that it adds that much to the bill because we are going to get to all these particular facilities if it is done in a proper and orderly fashion.

So I would oppose the amendment based on the fact that there is absolutely no idea what this could end up costing.

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

Senator PETERSON. Mr. President, I would like to just respond to that for a moment. If you stop and think a minute, who is going to use this network most effectively? Health care, education, and our industries. That is where the big numbers are. That is where the services will be utilized most. It will give us interactive video for our schools, where a small school can use a large school's Latin program or Spanish program, or, I mean, there are just endless ways we can use this in teaching. In health care, we can have physicians in one hospital helping to read diagnostic tests in another hospital, having consultations without people traveling to urban areas. It is just unlimited, the ways we can use this system. And for industry.

The three targets that we have set as the first priority is where the business is going to be. This is where the utilities will recoup. This is where they will make their money back. And it is just for the growth of our communities. The first place they ought to run the fiber line is to these areas where there is going to be the bulk of the business, where they will pay for the service and the time on that fiber to utilize it. It is where the biggest returns are going to be. It is not going to be from a homeowner. It will be from industrial parks, from health care institutions, and educational institutions. It just makes sense that they do it there first, and we as taxpayers will benefit the most if that is done.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, I would agree with much of what the gentleman from Venango, Senator Peterson, just said, and I think for that very reason if we assume that telephone companies as business people are going to try to make the wisest investment, this is in fact where they will, in all probability, deploy the network or put the infrastructure first. If you want to sell a service, you are going to look to those areas that will probably make use of it first.

What is happening, I think, at this point or at this level of the debate is that we are really kind of worrying about how we state, or arguing about how we state really the same thing. The declaration of policy in this bill, number one, states that the purpose is to maintain this universal telecommunications service, and states that one of those priorities is to put it in or adjacent to public rights-of-way abutting public schools, industrial parks, health care facilities. We have stated that number one in the statement of policy.

I think the gentleman from Fayette, Senator Lincoln, does make a good point though. We are telling them in here that they have to deploy this everywhere. They have to do it by the year 2015. I think that is probably enough instruction or enough managing of the phone companies as they deploy this network. I do not think we ought to be telling them how they lay the lines, which block they go to, or how they do that within a certain area or community. I think we need to let that up to their best business sense. I think in most cases they will do what Senator Peterson said, but I do not think it is necessary for us to try to legislate or really micromanage their business practices.

I do not think that the amendment is necessary. I would urge a negative vote.

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

Senator RHOADES. Mr. President, I rise to support the gentleman from Venango, Senator Peterson, on his amendment. Number one, I think what he is trying to define is a priority of use, and after this passes through and this has been WD-40'd, so you know what is going to happen with it, there is going to be more broadband communication out there than you know what to do with. It is going to be coming out all over the place. And do not just think about it as fiber optics, because it is going beyond that. They are going to hook up with the ca-

ble, they are going to hook up with the satellites. You are not going to have to worry about where it lines up. I think the thing we want to guarantee, though, is that those who get the greatest benefit and use out of it should do that.

My thinking, too, is, I remind you, I have passed the booklets out many times, you have seen this, even the Governor has announced it, he is asking and allowing schools to use the PANET system, the Pennsylvania network system. That is in place, they can attach on. We have already assigned that. So when you look and say it is going to be business, not really. There is a savings in there to the Commonwealth. That savings is to be extended to the school districts so they can purchase this equipment and use it. So we are talking the same technology, the same use. And are we going to wait until 2015? Forget it. This will be implemented in the next 5 to 6 years, if the technology does not change.

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

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

YEAS—16

Baker	Helfrick	Mowery	Robbins
Bell	Jubelirer	Peterson	Shaffer
Brightbill	Lemmond	Punt	Tilghman
Hart	Madigan	Rhoades	Williams

NAYS—32

Afflerbach	Fattah	Lincoln	Salvatore
Andrezski	Fisher	Loeper	Scanlon
Armstrong	Fumo	Mellow	Schwartz
Belan	Greenleaf	Musto	Shumaker
Bodack	Holl	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lewis	Reibman	Wenger

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

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

WILLIAMS AMENDMENT I

Senator WILLIAMS, by unanimous consent, offered the following amendment No. A3531:

Amend Title, page 1, line 3, by inserting after "SERVICES;": providing for women, minority business and disabled veterans business enterprise procurement;

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

Amend Sec. 1, page 25, by inserting between lines 22 and 23:
CHAPTER 32

PLANS FOR CERTAIN BUSINESS PROCUREMENT

- Sec.
- 3201. Definitions.
- 3202. Business procurement plan.

3203. Eligibility criteria.

3204. Contract procurement measures; considerations for businesses.

§ 3201. Definitions.

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

"Minorities." Persons who are citizens of the United States and who are Black Americans, Hispanic Americans, Native Americans, or Asian-Pacific Americans.

"Minority business enterprise." A business concern that is:

(1) a sole proprietorship, owned and controlled by a minority; or

(2) a partnership or joint venture controlled by minorities in which 51% of the beneficial ownership interest is held by minorities; or

(3) a corporation or other entity controlled by minorities in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by minorities.

"Women's business enterprise." A business concern that is:

(1) a sole proprietorship, owned and controlled by a woman; or

(2) a partnership or joint venture controlled by women in which 51% of the beneficial ownership interest is held by women; or

(3) a corporation or other entity controlled by women in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by women.

§ 3202. Business procurement plan.

(a) General rule.—The commission shall require each electrical, gas and telephone public utility with gross annual revenues exceeding \$5,000,000 and their commission-regulated subsidiaries and affiliates, to submit annually, a detailed and verifiable plan for increasing women, minority and disabled veteran business enterprise procurement in all categories.

(b) Plan goals.—These annual plans shall include short-term and long-term goals and timetables, but not quotas, and shall include methods for encouraging both prime contractors and grantees to engage women, minority and disabled veteran business enterprises in subcontracts in all categories which provide subcontracting opportunities.

(c) Guidelines.—The commission shall establish guidelines for all electrical, gas and telephone public utilities with gross annual revenues exceeding \$5,000,000 and their commission-regulated subsidiaries and affiliates, to be utilized in establishing programs pursuant to this chapter.

(d) Annual report.—Every electrical, gas and telephone public utility with gross annual revenues exceeding \$5,000,000 shall furnish an annual report to the commission regarding the implementation of programs established pursuant to this chapter in a form that the commission shall require, and at the time that the commission shall annually designate.

(e) Commission report.—The commission shall provide a report to the General Assembly on September 1 of each year, on the progress of activities undertaken by each electrical, gas and telephone public utility with gross annual revenues exceeding \$5,000,000 pursuant to this chapter in the implementation of women, minority and disabled veterans business enterprise development programs. The commission shall recommend a program for carrying out the policy declared in this chapter, together with recommendations for legislation that it deems necessary or desirable to further that policy.

§ 3203. Eligibility criteria.

(a) General rule.—The commission shall, by rule or order, adopt criteria for verifying and determining the eligibility of women, minority and disabled veteran business enterprises for procurement contracts.

(b) Outreach program.—The commission shall develop and require every electrical, gas and telephone public utility with gross annual revenues exceeding \$5,000,000 and their commission-regulated

subsidiaries and affiliates to implement an outreach program to inform and recruit women, minority and disabled veteran business enterprises to apply for procurement contracts under this chapter.

§ 3204. Contract procurement measures; considerations for businesses.

In order to facilitate the participation of women-owned businesses, minority-owned businesses and small businesses in contract procurement, any public utility subject to this chapter may consider the following measures to include those businesses in all phases of their contracting:

(1) Timely or progressive payments to those businesses.

(2) An amendment of the performance bond requirements when past performance within a specified area of business justifies that consideration.

(3) The provision of assistance to those businesses by securing contract payments to those businesses with letters of credit, negotiable securities or other financing arrangements or measures.

On the question,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, the amendment to the bill before us assumes that all of us here are well-informed about the subject, and my experience is and has been that most of us have no idea as to the implications involved here. In any event, Mr. President, whether or not we know what a fiber optic is, it has been reported that approximately \$25 billion may be involved for one institution. That may be exaggerated by a couple hundred thousand here or there.

There is no question about the fact that everybody understands from the way this issue has been approached, many times in secret, and all that, but there is an astounding future here, a new industry that can change our whole behavior and lifestyle. No question about that. The industry, Mr. President, as it stands now, that is the utility industry that we have by law made a monopoly, already has an astounding amount of business, commerce, money and jobs, and so forth. And in this State, the participation by women and minorities is shameful. This amendment, Mr. President, seeks to imitate the California law, which merely says what the PUC has already put into motion, and that is to say it will encourage and require and ask monopolies blessed by the taxpayers to carve out guidelines and proceed with some regularity on goals for involvement at every level of participation by women, minorities, disabled veterans, and others.

The main bill, one of the chief goals is diversity. It speaks about diversity of geography, it speaks about diversity in many other respects. It says our public policy, as straight up as we are, seeks to make it all-inclusive. And that is why people speak with such care about including everything. Whether the cable companies are going to be satisfied, whether the consumers are not going to pay, and all that. And so it speaks of diversity. This amendment, Mr. President, for those two major reasons, the fact that we have a sick and infirmed industry already, if we are talking about participation, there is no way that we can trust the industry to be fair. There is no history from which we can judge that this industry will be inclusive. And as that industry speaks to the citizens of Pennsylvania and

says, yes, we seek to be productive and fair and enterprising and controlled and regulated and all that, their record is abysmal when it comes to inclusion.

So the offering here merely says that some of our citizenry who have been closed out of the basic rights of all Americans, and that is to have an economic participation, especially with those that we make a monopoly, that we have sheltered by privilege, there is a direct responsibility. And so, if, as, and when—and I would hope not too soon—this legislation would pass, it would be hoped that we would all look at a new feature of inclusion. So this merely provides for guidelines to tell the commission what it needs to do, as they do in California. It says we want to include veterans of our State and country. It says we want to include women when they have been left out, and minorities by the traditional definitions that we already follow in this State.

For those reasons, Mr. President, I offer this amendment as a very simple step of inclusion, and I ask that my colleagues join me in this amendment.

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

Senator LINCOLN. Mr. President, I very reluctantly would have to oppose this amendment, and not because I do not want to see this happen, but because we already have in place, by order of the PUC, a regulation that accomplishes the same goals as what the maker of the amendment is trying to bring about. There is a list of companies involved, 36 of them, that have to comply with the order by the PUC. So it does not just apply to someone involved with fiber optics, it is all the utilities that have over a certain dollar amount of value. I really am not sure whether it would make a difference in this bill or not because they are already doing it, and for that purpose, I would oppose the amendment.

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

Senator WILLIAMS. Mr. President, I am sorry that the Majority Leader said that. I did not want to say that despite the fact that we have this rule at the commission, the practice is still very sick. It is like people do not want to do it. The industries have not complied. This calls for verifiable reporting. This puts some teeth in it. I did not want to say that within the commission politics itself, they have moved the person in charge of this program, and so as so often happens, you send a signal that it is not important and it fails.

I also want to add that the people who proposed it in the first place say it needs to be codified because it did not work. It was not put there because we had wisdom in the legislature, it was put there because people had faith in the fact that those politics would not prevail. And that is why California codified it.

What is wrong with expressing our will? Are we ashamed to say that we want this inclusion, that we will leave it to the bureaucrats whom we criticize all the time? If we say we beg to create a new industry and leave others behind? We cannot say we are even serious about that fairness? I am sorry the Majority Leader feels that way, but at least he was clear. But

I am here to say that an offering is made to say that the economy in our monopolies is sick and infirmed and discriminates in the marketplace, pure and simple. Just when are we going to begin to even smell at that? We just ought to be ashamed. This merely says, come on, boys, get on the stick and include everybody. It means no bureaucrat in that monopoly which we made cannot move the store. How can we trust someone to do something worth \$25 billion to be fair if we cannot do this simple thing?

I am sorry that the Majority Leader said that. No matter what way we vote, I am sorry that the Majority Leader said that, because he is the Majority Leader, and we are talking about an excluded minority from the economy of our State, not in private enterprise but in monopolies that we shelter. I think that is shameful. I am sorry, Mr. Majority Leader. I am sorry you said that. As long as you will say that, I will say that each and every man and woman is entitled to access to the American marketplace without discrimination and without validation by the State by giving preference to people who cannot comply with that fairness and who seek to jump out in a whole new world. What do you think they are going to do in that world?

So I still ask for your support, but I am still sorry, Mr. Majority Leader, that you said that.

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

Senator FATTAH. Mr. President, I rise at this late hour to speak in support of the amendment offered by my colleague from the great city of Philadelphia, Senator Williams. His amendment really speaks to a very critical issue relative to the future of this bill and the future of our Commonwealth, for if it is progress that we seek, we should not be willing to leave anyone behind.

I would remind the Members of the Senate that it was just a few short days ago on the front page of the New York Times in which United States Trade Representative Mickey Kantor was articulating the United States' position vis-a-vis the Japanese, one of our economic competitors, stating very clearly that the United States would have to enforce trade restrictions on Japan unless and until Japan was prepared to set forth numerical targets and quotas for the participation of American business in economic activities in Japan, especially in the auto industry. It was interesting to note that on the front page of the New York Times that day the President was explaining away his appointment of Lani Guinier because she articulated some viewpoint relative to insuring minority participation, and on the same hand we were promoting as a nation international affirmative action specifically related to numbers and targets that should be met. This amendment does not talk about numbers and targets, but it talks about the need to include women-owned businesses in our Commonwealth and minority-owned businesses and businesses owned and operated that employ disabled Pennsylvanians and veterans. And yet, it is not clear at this moment that the Senate is prepared to act favorably on this amendment.

I am also reminded that one of our Senate colleagues, the gentleman from Allegheny, Senator Fisher, whom I saw re-

corded in one of the papers in our State the other day saying that he was not comfortable with the notion of a Home Rule change in Allegheny County unless Senator Fisher could be assured that there was going to be minority representation in such a Home Rule control in Allegheny County; that he, too, understood at that point the need to protect the interests of a minority group through some structural way in terms of legislative intent.

Now, I heard my good friend, the Majority Leader, suggest that there was not a need for this because the PUC, through regulation, has required minority participation and women-owned business participation, but we do know that the first rule of law in our Commonwealth is the Constitution, and the second is a statute passed here in the Senate and the House and signed by the Governor, and that what falls short of that does not have the weight of law and can be changed by the same means that those regulations are put in place, and that is that the PUC at some point in the future could change those regulations.

Since we are putting into place a massive new infrastructure development program, in order to insure that this activity will include all segments of the Pennsylvania society, I would urge first the Majority Leader to reconsider his position on this matter, and then secondly urge that the entire Senate stand up and be counted on this in a way that suggests to all that as we move forward and make progress in the State vis-a-vis telecommunications, that we are determined not to leave anyone behind. So I would strongly urge all of my colleagues to vote in favor of the amendment offered by the gentleman from Philadelphia, Senator Williams.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Dawida, Senator LaValle, Senator Porterfield, and Senator Afflerbach.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Dawida, Senator LaValle, Senator Porterfield, and Senator Afflerbach. The Chair hears no objection. Those leaves will be granted.

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

(During the calling of the roll, the following occurred:)
Senator FISHER. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—15

Bell	Fumo	Lewis	Scanlon
Bodack	Hart	Musto	Schwartz

Fattah	Jones	Pecora	Williams
Fisher	LaValle	Rhoades	

NAYS—33

Afflerbach	Greenleaf	Mellow	Salvatore
Andrezeski	Helfrick	Mowery	Shaffer
Armstrong	Holl	O'Pake	Shumaker
Baker	Jubelirer	Peterson	Stapleton
Belan	Lemmond	Porterfield	Stewart
Bortner	Lincoln	Punt	Stout
Brightbill	Loeper	Reibman	Tilghman
Corman	Madigan	Robbins	Wenger
Dawida			

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

And the question recurring,

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

WILLIAMS AMENDMENT II

Senator WILLIAMS, by unanimous consent, offered the following amendment No. A3491:

Amend Sec. 1 (Sec. 3004), page 9, line 21, by striking out "BE DEEMED APPROVED" and inserting: become effective until such time as the commission rules by final order

Amend Sec. 1 (Sec. 3004), page 10, line 4, by inserting after "ORDER.": Neither the filing of the network implementation plan nor the commission review thereof shall be deemed to constitute approval of the recovery of the costs of such plan from ratepayers as part of any alternative form of regulation approved under this chapter or any other future rate proceeding.

Amend Sec. 1 (Sec. 3006), page 18, lines 14 and 15, by striking out "BE DEEMED APPROVED" and inserting: become effective until such time as the commission rules by final order

Amend Sec. 1 (Sec. 3006), page 19, line 18, by inserting after "COMPANY": or the Consumer Advocate or the Small Business Advocate

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

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

Senator WILLIAMS. Mr. President, I had no idea we had such opposition to women.

I would hasten to say that the next amendment has to do with money, and I would just add that when we passed the convention center legislation, which was a lot of money, and a lot of people shared in or are still sharing in, we did see fit at that time, I guess for money reasons, to come to an agreement on legislation similar to that which was just proposed. So I guess absent the money reason, minorities and women, for some reason, are left out.

The next amendment speaks of money. Mr. President, as the legislation presently is, the real question is whatever it is they are trying to do, suppose it does not work, number one. And number two—Mr. President, I would be pleased if I could hear myself speak. Sometimes I am very conservative about that, but I was told that good manners are when someone is speak-

ing, to quiet down.

The PRESIDENT. The gentleman is correct.

Senator WILLIAMS. Mr. President, I have always said that there is no question that this is a momentous piece of legislation and it is the last day, when we really sneak everything in. Maybe if we had TV so that the people back home could see that on the most important piece of legislation we may not be interested enough to pay attention. But I am talking about money now, and I would say that on either side of that question people are always talking about taxing and spending taxpayers' money. If TV was on, I suppose we would be paying attention. And the heart of this legislation here has raised questions about whether the ratepayers are going to have to pay. I return to the issue of who is going to pay? That is the question that we have. Whether we like it or not, it recurs; whether we want to sneak away at night or not, it recurs. And it says right here in what this bill proposes, as amended, it says that this offering is to be determined by the PUC as to whether or not it is in the public interest. It very clearly then, if approved by the commission in 1993, lawyers have already said it can easily be used by the companies to say that since we okayed this as public policy, they are entitled to be paid for every dollar spent pursuant to that plan between now and the year 2015, or somewhere in the rate. Mr. President, if we do not care about what we do through the consumer ratepayer/taxpayer's money, then we will just ignore this and maybe wake up tomorrow and on the front page see how embarrassed we can be. But very clearly, this amendment says that we will not allow that. That "Neither the filing of the network implementation plan nor the commission review thereof shall be deemed to constitute approval of the recovery of the costs of such plan from ratepayers as part of any alternative form of regulation approved under this chapter or any other future rate proceeding." A guarantee that we do not mean that someone is going to bilk the taxpayer and recover. And I have already said that in the law, the PUC determines whether this is in the public interest today, not later on.

And so, this amendment, Mr. President, is the amendment where we either put up or shut up as to what we mean, not whether we are going to debate, well, I did not mean that when I voted, and whether or not we are going to go back home and leave it to some court to decide. Nothing indefinite. The consumers of this State already are watching and saying, are we going to be bilked? We do not understand this. We do not know what they are talking about. Bottom line, are we going to pay? I say to you in the bill, Section 3004(C), as amended, says that these presentations are to be determined by the PUC to be in the public interest. Now, it does not take a rocket scientist who is a Republican to say you got a case there, and it is very simple for us to correct that mistake, unless someone has got some intentions that we do not know about. Are there people sitting in their offices saying, well, they do not even know what is in that bill, and therefore we will wait for that lack of interpretation? We can make it very clear with this amendment. Put up or shut up. We do not want this, if it fails, to be on the ratepayers. Plain and simple.

Now, I do not know about the other part of it, and that is to say, I really believe, and I guess it is not the amendment, but we are going to pay for it one way or the other. What this amendment says is if this does not work in the ways that they want it to work, we do not pay.

Now, Mr. President, that is the heart of this amendment. I would like to ask at this time, from whoever may be the chief sponsor of this legislation, as to what is the intent of this program? What is the intent of this bill? Does this bill mean that later on we are not to pay if things do not work out this way or whether some other technology takes over? Could we get an expression from someone, maybe the Majority Leader, as to what the intent is? Could the Majority Leader stand for interrogation and clear that up?

The PRESIDENT. Will the gentleman from Fayette, Senator Lincoln, stand for interrogation?

Senator LINCOLN. Mr. President, I will stand for interrogation. I would rather have the opportunity and I will take the opportunity to make my own comments, because I really believe that Senator Williams is more accurate in his assessment of this being the "put up or shut up" part of this bill and I will answer any question, but I also want to reserve the right for remarks on this amendment.

The PRESIDENT. The gentleman certainly will be recognized at the appropriate time. At the moment, the interrogation may proceed. The gentleman may proceed.

Senator WILLIAMS. Mr. President, is it our intent that if the fiber optics program does not produce what it is supposed to do for those in the industry, in other words, if some other technology takes over—which is highly possible—that outstrips it, or if for any other things, the tangential things that produce profit, do not pay for it and they are left with a loss because of their expenditures, et cetera, is it our intent that the ratepayers would in some way pay, participate, make up for that loss in any way?

Senator LINCOLN. Mr. President, our intent is to make sure that this outstanding technology is delivered to all Pennsylvanians; all Pennsylvanians. And in this bill, the entire bill is written giving the PUC the right to determine every rate increase under this bill. There is no way that we can speak to a failure of this particular technology or a replacement of this particular technology, because I do not believe anybody has the capability of projecting that type of future. And even if that would happen, the entire cost of this would still have to be brought before the commission for them to make a determination as to whether it should be incorporated in the rates or not.

Senator WILLIAMS. Thank you, Mr. President.

Senator LINCOLN. Thank you.

Senator WILLIAMS. Mr. President, I will just finalize my comment in a minute and a half and then the Majority Leader might want to comment.

I take that answer to say that we do not know or that the commission very well, the PUC commission very well may charge the ratepayer for the cost of this system if it does not produce what it is supposed to produce. I just take that, that is in someone else's hands. I also take that to mean that despite

the fact that we put the public policy into law, even though we do not have to, that that is the key by which the commission and any utility can say this is public policy, you all made us do it, it is includable in the rate base, blah, blah, blah. It seems to me that is crystal clear. In any event, the answer that I got from the Majority Leader did not say no. Therefore, the answer to that is yes. The risk, therefore, falls upon the ratepayer. And I just want to make that loud and clear. I appreciate his candor, but I say, yes, we ought to either put up or shut up. It means that we ought to say somewhere what we intend. I mean, all 50 Senators should say what we intend, so that every consumer can say, Senator, I know where you stood. You did not want us to pay it. You were not taking that risk. And we ought to say it now.

I thank the gentleman for his answer, and I thank you for your indulgence in my final comments.

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

Senator LINCOLN. Mr. President, the maker of this amendment and the previous amendment was not pleased with my lack of support, and that was a very difficult issue for me to oppose, and I do not believe in the 15 years or so that I served in the Senate with Senator Williams, and possibly the two terms I served with him in the House, that I disagreed with him on those types of issues. I cannot remember. I am standing here trying to think of when we were not standing shoulder to shoulder on those types of issues. And I can say the same and throw the same type of criticism of Senator Williams in this instance on this amendment in his disregard for all the poor senior citizens, the poor rural people, my constituency, those who do not live in the wealthy urban areas or the poor urban areas, who just happen to get this service because of where they are. We in the rural areas, we have poor people and we have a lot of senior citizens who need medical care. We have schools that do not have the facilities, do not have the expertise or the money to provide the kind of education that other school districts have, and that by adopting this amendment, the pure consumer advocate's approach to this, you are denying the poor people of Pennsylvania, particularly in rural Pennsylvania, the opportunity to have fiber optics. And I know that that is not the intention of Senator Williams, but that is what this is all about. Without the type of bill that we have in front of us, without the opportunity for the PUC to make decisions on what can be spent and what can be incorporated in whatever request the utility makes, without the ability of this bill saying you must do 100 percent of this Commonwealth, we would have in the rural areas the same thing that has happened on every other issue that has come before this State government, an emphasis on where the wealth is at, where the large populations are at, and that is what the companies do. They go there because that is where they make their money. There is nothing in this bill that says there is going to be anything but fair evaluation of all costs involved in spreading this wonderful mechanism to school children, through distance learning, to hospitals that can hook up with the wonderful hospitals of Hahnemann and Jefferson. People in my area who

live in Henry Clay Township up in the mountains' who have a pharmacy, they do not have anything else, and we were just fortunate enough to get that put in in the last few years, can go into that pharmacy and maybe a fiber optics system can be set up, they can put their handprint on the TV and someone at Hahnemann Hospital can tell my 68- or 70-year-old constituent what is wrong with them, without them traveling, without them going to Pittsburgh, or Philadelphia, or the other centers that have the facilities that we need. That is what this is all about. This amendment very clearly says it is time to put up or shut up, and if you want to continue to put into effect strict consumer types of interference, if you want to allow the Consumer Advocate, who really does not give a damn about the people who live in the rural areas, which he has proven time and time again, then put this amendment in the bill and 10 years from now Allentown and Philadelphia and maybe Harrisburg and Pittsburgh and potentially Scranton will have fiber optics, and the Dunbars of the world and the Towandas of the world and the Marion Centers of the world in Indiana will never see this wonderful, wonderful, wonderful product that we have to give our people.

And what is it going to cost? I remember hearing one of my staff members discuss this at some point today and there is a potential of a \$1.11 cost. I mean, we tried for a quarter a month, which was three bucks a year, and that was taken out.

It is impossible for anyone to convince me that we in different parts of the State have not helped one another at different times, and that is what you are talking about here. You are talking about saving a couple cents for someone who lives in Philadelphia or Scranton, and by doing that punishing--and I do not mean anything other than punishing--the very poor rural people who will never, ever have an advantage like you have in the city by doing this. That is what this is all about. That is the standard and the statement we are making in this bill. That is what we are hoping for, that instead of 2040, there may be something in Fayette County or Warren County or Bradford County. We are saying that by 2015 it will be there; it will be there. And by doing anything that will allow one person who is understaffed, overworked in the Consumer Advocate's office to be able to go in and just by filing a petition delay this for months and months and months and months is completely unfair to the people who live in the rural areas of this State. And that is exactly what this bill is all about, allowing everyone to be able to benefit from the fruits of the magnificent technology that is being developed.

I would ask for a negative vote on this amendment, and I can tell you that this is the heart of the bill. If an amendment of this type goes in, I will guarantee you, you will have it in Philadelphia, you will have it in the other major urban areas, you will have it wherever the utility company can make a buck off of it, but we will never, ever, ever have this wonderful technology in the rural areas, where it is needed actually more than it is in the urban areas.

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

Senator PECORA. Mr. President, could I have the oppor-

tunity to ask the Majority Leader a question?

The PRESIDENT. Senator Lincoln, do you wish to be interrogated?

Senator LINCOLN. Yes, Mr. President.

Senator PECORA. Mr. President, it just came out in discussion that the possibility of a rate increase that the amendment eliminates from the bill would be an estimate of what per month per telephone customer?

Senator LINCOLN. Mr. President, there is no automatic rate increase in this bill. And I want to make it clear that the amendment, if adopted, would not stop rate increases, it would just delay and make much lengthier the process for the decision being made as to whether there could be a rate increase or not, and by that delay would guarantee that the people who are going to be building these broadband lines and the other fiber optic products that are going to be going in would, I think, just because of the business sense that they have, would not proceed. This amendment only gives more people the opportunity to interfere with the rate increase if there would be one granted, but there are no built-in escalating costs in this. Everything has to be approved by the PUC.

Senator PECORA. Mr. President, did the previous bill have an opportunity to give the rate increase in the legislation?

Senator LINCOLN. Mr. President, over a period of 3 years this idea has been introduced in several bills, and in one bill there was an automatic escalating rate increase which would have been limited to 25 cents a month at its maximum. But that has been completely eliminated from House Bill No. 84, and there is no automatic escalator in this bill.

Senator PECORA. Mr. President, all right. So the total costs, say, from the previous bill, if the PUC would initiate a rate increase, would probably be about 25 cents a month? A small amount.

Senator LINCOLN. No, Mr. President. There is no amount that you could project. It would be based on the company going in and providing the PUC whatever they required for their rate increase to be approved, and then that would be analyzed, it would be audited, it would be checked out over a period of time, and then someone would make a recommendation to the PUC and they would approve or disapprove all of that rate request increase, or part of it. Or they could even take that—and I do not want to take this to an extreme in my argument, I do not believe this would happen—but they could take that same information and order that utility to decrease their rates. But it would be done after a very lengthy, disciplined, audited inquiry into the rate, and it would be done after some deliberation, and all this amendment does, really, is lengthens the time allowed to keep that decision from being made or finalized by the PUC.

Senator PECORA. Mr. President, in other words, this amendment does not abolish the rate increase, it just extends it to a longer amount of time to make it more difficult to provide these services to the communities that do not have them, am I correct?

Senator LINCOLN. Mr. President, this amendment, in effect, would make the law exactly the same as it is now, which

you can take any length of time that you want for the PUC to finally make some decision on a rate request. The bill is written, I think, that 9 months is the limit. They have to make a decision within 9 months. This takes away that prohibition. But also, this amendment does more than just deal with lengthening and putting into effect different ways of protesting the particular rate request. I mean, there are other things in this amendment, but the basic reason that I oppose it is that I think it would prohibit and ultimately stop utilities from expanding all over the State the way they are supposed to in the bill.

Senator PECORA. Thank you, Mr. President. Thank you, Senator Lincoln.

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

Senator FATTAH. Mr. President, let me try to make some very brief comments on the amendment before us. As I understand it, it is very much akin to what happened with the Limerick Nuclear Power Plant in which there was action by the Commonwealth which essentially said that the investment into the nuclear power plant by the Philadelphia Electric Company could not be built into the rate base for the ratepayers. It was an investment, and those who were going to profit from it would have to pay for it. Again, what the amendment of the gentleman from Philadelphia, Senator Williams, offers is a similar situation, and, you know, the reason why we are here at this late hour is that the phone companies and the people involved in this insist that they are going to have their capital formation campaigns in August and they need to raise their money, and they are going to go out and get people to invest in this. They are going to say that they are going to make a lot of money and people are going to invest money and they will go out and build this system. And I agree with the gentleman from Schuylkill, Senator Rhoades, it is not going to take 15 years or anything like that. I mean, I think it is going to happen in the near future, and then they are going to make these investors a substantial amount of money. If, for some reason, however, you cannot go into this pharmacy that the gentleman from Fayette, Senator Lincoln, talked about and put your hand on a screen and people at Hahnemann can tell you what is wrong with you and nobody makes any money off of this deal and it does not work for some reason, or like with cable, some other technology comes in that supplants this system, that you cannot, on the judgment of the business people involved today, if they make a bad judgment, then put that burden on the backs of ratepayers who have had nothing to do with this judgment, this business decision, to go and spend the moneys necessary to build this system. That is simply what the amendment calls for. And I would also hasten to add that I do not believe that the gentleman from Philadelphia, Senator Williams, or anyone else on this floor has introduced any amendments that would do away with the spirit of the bill as it relates to 100-percent broadband network throughout rural, suburban, and urban areas. No one is trying to deprive anyone of the services that potentially or in reality could be offered through fiber optics. What we are trying to do is create a more perfect legislative vehicle in order to express public policy, and that is that if we

want to include everyone and we also want to make sure that those who seek to make massive profits out of this also bear some of the risks involved in this activity, and I think that is a reasonable pursuit, even at this late hour, I would hope that the Members of the Senate would find it within themselves to vote in support of Senator Williams' amendment.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, I think my comments have generally been covered, and I would allow the vote to go forward.

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

Senator WILLIAMS. Mr. President, I wanted to take the opportunity to respond to some of the comments that were made in connection with my amendment. As I said, this amendment is the heart of the matter. It is the "put up or shut up." It is the thing that everybody seems to be ducking, the news articles that went back and forth. First, the premium was in the bill. We said, well, we will take it out. We really did not mean that. So who is kidding whom? The final thing here is it is clear that the ratepayer is being asked to pay to build this system. More than that, that decision once made, which is being made now, obligates us for the future. That is a difference.

I just want to be clear on the Majority Leader's comments. He, I guess, suggested that I was not prorural. A lot of my folks are rural folks. I just want to make that clear. But he would offer a bill that would include what he considered his folk but would exclude my folk, and I think that is mean. I think that there is a mean spirit happening in industry to exclude people, and I will no longer sit silent and say that is okay, whatever folks do on that. But this particular amendment, I do not have any problem saying, well, yes, let us pay for it. It would be great. I do not have any problem doing that. This amendment just says I thought that we were telling the ratepayers that we did not intend for that to happen. So I drafted an amendment that would be a straight-up amendment, what I thought we were saying to the public. We learn tonight, apparently, that we are going to pay, and the public should know that. That is why I thought we just rushed this very complicated bill. I do not believe there is one person in this Chamber who understands all the implications. I challenge you to say so. If I had some time, I could decide and say, well, gee, the rate base should be included in this activity. So I am not suggesting that we rip that out if it is necessary. I am just saying we and the public ought to know if it is necessary, and we have no way now of knowing that. We have no information whatsoever, except an astounding amount of money, a failure to say who is going to pay, and all I am saying is whatever we intend, why do we not say it? And I do not mind saying let us pay for it because we know it is provable.

So I just wanted to correct the notion offered by the Majority Leader that my amendment seeks to be negative one way or the other. It just says be straight up, whatever we mean. And

if I could get some information, I could go either way, wherever the information would lead me. I would hope that each and every one of us here would not wake up next week or next month and be embarrassed that we did not ask. I think that that is fair debate. I mean, why are we here, other than to say, okay, we are not just tax-and-spend Democrats, we are not just raise-the-rate Republicans, we all say we are legislators seeking to help the taxpayers. So I am just saying, let us debate it. Let us say what we mean. And I do not know if anybody here tonight has said what they mean. Do we intend for the ratepayer to pay? Let us say, yes. I say, okay, why? And prove it to me, because I cannot learn all that in one night, and I have seen several of us around here who have spent 6 months or a year on it and still do not understand it, and admitted it to smart people. I am not as smart as most of you, but I do know one thing, that you have a concerned public out there who want some answers, and we should take the time. I do not even mind staying here 3 more weeks if it takes that. Let us not go home. Why do we have to rush? Some people would like that. We could even stay until August or right after July. But I am saying, my point is only, please, we are all elected representatives of the people, and we have a right to ask straight-up questions. And I think my humble question is a very fair question: What do we intend? Let us just say it and we can live with it, and I might say it with you. If it is pay, I will say, pay, but slow me down.

So, Mr. President, all I am saying is it is late at night and I did not choose this hour or this place or this time, but I do ask that question. And I think each and every one of us ought to ask that question on some other question before we vote on this amendment. Once again, I ask for support of this amendment.

LEGISLATIVE LEAVES

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

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Mellow, if you will.

The PRESIDENT. Senator Stapleton requests a temporary Capitol leave for Senator Mellow. The Chair hears no objection. The leave will be granted.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I request a temporary Capitol leave for Senator Corman.

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

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

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

YEAS—7

Bell	Jones	Rhoades	Williams
Fattah	Pecora	Schwartz	

NAYS—41

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

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

The PRESIDING OFFICER (Senator Chaka Fattah) in the Chair.

And the question recurring,

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

WILLIAMS AMENDMENT III

Senator WILLIAMS, by unanimous consent, offered the following amendment No. A3631:

Amend Bill, page 28, by inserting between lines 6 and 7:

Section 3. Commonwealth funds shall not be expended on any facet of the deployment of the broadband telecommunication network referred to in 66 Pa.C.S. Ch. 30.

Amend Sec. 3, page 28, line 7, by striking out "3" and inserting:

4

Amend Sec. 4, page 28, line 12, by striking out "4" and inserting:

5

Amend Sec. 5, page 28, line 15, by striking out "5" and inserting:

6

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, this amendment is one that everybody would agree with because it is fiscally responsible, and in keeping with our rules, we have said on the fiscal note that we would not have to spend any funds as a Commonwealth on this system except that which is spent for service. And so the amendment merely makes that clear, that there shall be no Commonwealth funds expended on any facet of the deployment of this system except for that, so it would not allow for any spillovers to happen but clearly state that we do not intend to pay out of our funds from the Commonwealth treasury for this system.

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

Senator LINCOLN. Mr. President, I rise to oppose the

amendment. It is absolutely impossible for any Commonwealth funds to be spent. It is a private company, a private investment. We are not indemnifying this in any way, shape, or form. They will invest and then they will go to the PUC and ask for whatever rates. I do not see any need at all for this amendment, and I would ask for a negative vote.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, how short our memories are of what we discussed this very day. It happens all the time of all these things that we are forced to rush, as a State, to support and spend money for that is private industry because they get in trouble. We just discussed that about the SWIF fund today, and they are discussing it over there now. I mean, how soon we forget. This just says it is not our intention to spend any money. Let us just say that now, so in the event that the ambitions of these companies are beyond the scope or reason and they bust, that we do not have anything to do with it. I would think that is an ounce of prevention, a pound of cure; a very strict construction, a conservative fiscal approach; a responsible offering to say just what we mean. As I say, I repeat, this very day on both sides of the aisle we were discussing the unfortunate condition of a private bank situation that we had to spend money for. It created a problem. Everybody is talking about it. All I am saying is let us cover that in advance. It is very simple.

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, I will be very brief. Just to point out to the Members, I think that the intentions of the gentleman from Philadelphia, Senator Williams, are very honorable and very clear. I, however, think that this issue is covered in the legislation as it presently exists. I would just remind the Members, when we debated this earlier, that in Section 3001, the Declaration of Policy, it states specifically in subsection (1), that the deployment of this telecommunications network shall be "... in or adjacent to the public rights-of-way abutting public schools, including the administrative offices supporting public schools; industrial parks; and health care facilities...." I believe we have covered the issue, although I recognize that the language in the amendment of the gentleman from Philadelphia, Senator Williams, would perhaps address this in a slightly different way.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I know the hour is late, but I did not choose this hour. I asked for some time. If I am forced to talk at midnight, then okay, I want to talk. I did not choose this hour. I think we should have taken some time on this issue. So I apologize to all those who are tired. I am, too. As I said, I did not choose this hour. Those who wanted this bill chose this hour intentionally. I can hardly stay awake, but I do it because I am mad.

All I am saying is it is not clear. This is still talking about money. It is still talking about the Commonwealth's funds.

That is not covered in the bill. That is some statement of policy. I am just saying we always get into these emergencies, and what is wrong with making it clear that we do not intend to spend any money for this private stuff? It is a very simple statement of our intention. And any recitation of what is supposed to happen does not say that, because it is only the exception. This very company—well, Bell, anyway—proposed a system having to do with a public condition about drugs. Very honorable. But then they asked us to fund it, \$400,000. I think that is all right, but, you know, I am just saying that this makes it clear that we expect not to spend any money.

Now, whether anybody changes a vote one way or the other is not the point. The point is, this, once again, is the biggest thing to come down the pike for years, and we cannot take a few minutes to say what we mean? I think we can take a few minutes to say what we mean instead of going out at midnight all the time and leaving it for someone else. I believe there will be a lot more money spent by us is what I am saying, and I think we ought to say we are not going to spend any more money. That is what I am saying.

Thank you, Mr. President.

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

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

YEAS—4

Fattah	Jones	Schwartz	Williams
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NAYS—44

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

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

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

JUBELIRER AMENDMENT I

Senator JUBELIRER, by unanimous consent, offered the following amendment No. A3419:

Amend Sec. 1 (Sec. 3004), page 11, lines 1 through 3, by striking out "BASED ON THE ANNUAL CHANGE" in line 1, all of line 2 and "THE UNITED STATES DEPARTMENT OF COMMERCE, MINUS 2.25%" in line 3

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, the amendment I offer is, frankly, relatively simple, and the rate section was very wisely removed from the bill. The PUC regained authority over rates for noncompetitive services, but, however, Mr. President, left behind was the index as some sort of illustration. It has no real effect and it has no reason for being part of the law. My amendment would simply remove the index. I think that is the appropriate thing to do, and I would hope that we could agree to the amendment to remove this index.

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, actually, the gentleman from Blair, Senator Jubelirer, has, I think, very accurately stated the issue and explained the amendment. He is correct. The PUC does retain complete control over rates. There is no automatic or guaranteed rate increase, and I would emphasize that. This bill does not include any guaranteed rate increase. We made a last-minute change in the amendment before it was voted on by the Committee on Communications and High Technology, inserting the word "may" to make it very clear again that the PUC retained authority and assuring that the Consumer Advocate, the Small Business Advocate, and others would have their opportunity to be involved in the proceedings, to oppose any plans, and so that the case would be fully litigated before the PUC.

He has also referred to it as a benchmark or a guideline, and that is, indeed, all that it is. The difference, I suppose, is that I believe it is appropriate to retain that in the legislation as just that, a guideline or a benchmark or an indication to the PUC, perhaps stated as a matter of legislative intent, that this kind of formula, this kind of indexing, may be considered as part of a plan that would be submitted by one of the companies. It is certainly not anything that the PUC is wed to. It is something they can ignore, but I think it is important that we include as our legislative mandate to them some illustration of the kind of formula or indexing that would be appropriate if they feel that numbers that are submitted and costs and revenue estimates justify just such an index or cost formula.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, I have to oppose the amendment. I agree with the previous speaker that this is just a benchmark that they can look at. It is kind of like it is written in sand and not in stone. It is something that the PUC can consider, but they probably will not. I do not think there is any legislative intent that this is the one we want to use as far as an index, and it is up to the PUC to determine what they should use for any future rate increases. I think the amendment yesterday which changed the wording from "would" to "may" handled it, and currently as the bill is written, I do not think it needs to be changed, and I oppose the amendment.

The PRESIDING OFFICER. The Chair recognizes the gen-

tleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I think that the previous two speakers basically made the case to put this amendment in. The gentleman from York, Senator Bortner, the floor manager for this bill, seems to indicate that there is a legislative intent, although it is not a mandated legislative intent. The gentleman from Lancaster, Senator Armstrong, who is the ranking Republican on this committee, indicates there is no legislative intent. And I think this amendment clearly clarifies it. I think there is no way to hurt this bill by taking this language out. If the intent is that this is not to be any kind of benchmark, then we should just take it out. There should not be any legislative intent. It is very rare that there is ever an example put in legislation. In fact, I cannot think of any in the years that I have been here, and that is nearly two decades. And I see no reason, just because this happens to be the last day. There is already an amendment in the bill. The bill is going to have to be reprinted. Frankly, this would take very little to do to remove this language, and that makes it clear that the PUC has sole authority and there is no question about anybody having legislative intent. We do not need to give examples. The five commissioners on that commission are clearly responsible for this and there is no reason that we have to give them any examples. If this is an accommodation to those who support this bill, I do not see why it is so necessary to do, Mr. President. I think, clearly, all it does is confuse the issue. It does not add anything to it and really should be removed, and, frankly, would take very little to do that.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I want to agree with the gentleman. I have been trying to say all night we ought to make ourselves clear. I think he is absolutely right, a very precocious gentleman. Two people agree we ought to be clear. I agree with that, and I think it is a fine amendment, because it says we ought to be clear. I support the amendment.

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

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

YEAS—18

Baker	Helfrick	Pecora	Shaffer
Bell	Holl	Reibman	Shumaker
Brightbill	Jubelirer	Rhoades	Tilghman
Fattah	Lemmond	Robbins	Williams
Hart	Loeper		

NAYS—30

Afflerbach	Fisher	Mellow	Salvatore
Andrezeski	Furno	Mowery	Scanlon
Armstrong	Greenleaf	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Peterson	Stewart
Bortner	Lewis	Porterfield	Stout
Corman	Lincoln	Punt	Wenger
Dawida	Madigan		

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

And the question recurring?

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

RECONSIDERATION OF AMENDMENT NO. A3516

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

Senator LINCOLN. Mr. President, I move to reconsider the vote by which amendment No. A3516 was passed earlier this evening.

The PRESIDING OFFICER. Senator Lincoln moves that the vote by which amendment No. A3516 was approved be reconsidered.

The motion was agreed to.

And the question recurring,
Will the Senate agree to amendment No. A3516?

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDING OFFICER. Senator Loeper requests a temporary Capitol leave for Senator Salvatore. The Chair hears no objection, and the leave is therefore granted.

And the question recurring,
Will the Senate agree to amendment No. A3516?

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

Senator LOEPER. Mr. President, I would like to change Senator Corman's vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—16

Bell	Holl	Pecora	Shumaker
Corman	Jubelirer	Rhoades	Stapleton
Hart	Mowery	Robbins	Tilghman
Helfrick	Musto	Shaffer	Williams

NAYS—32

Afflerbach	Dawida	Lewis	Punt
Andrezeski	Fattah	Lincoln	Reibman
Armstrong	Fisher	Loeper	Salvatore
Baker	Furno	Madigan	Scanlon
Belan	Greenleaf	Mellow	Schwartz
Bodack	Jones	O'Pake	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Wenger

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

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

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

On the question,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, this is certainly one of the major pieces of legislation of this Session, and at about 10 minutes to 1:00 in the morning on the Session day of June 23, there is no question in my mind that this bill will pass.

Mr. President, I think the effort by the committee has been extremely well done and I certainly want to commend them on both sides of the aisle. However, Mr. President, I think I need to say, too, that I have to express my concern that I think some very significant amendments that were offered here tonight were rejected for the reason that we are not going to take any amendments, it is late, we want to get out of here, it is time to go and make a break and we probably are not going to be back here for 5 or 6 months, or whatever. I do not think that is the way we ought to be handling a piece of legislation like this.

I think there is a great concern about some of the complexities of the legislation. I think, clearly, it is a piece of legislation that many of us feel is needed, and perhaps as I said in the passage of the workers' reform bill, maybe it is the best we can get at this time and my vote will be in the affirmative to take that first step, but I am not so sure that we have done everything we should here. I know the bill has been extraordinarily heavily lobbied by many groups who support and oppose this bill. I think the committee has made some significant changes. I probably would have voted "no" if the committee had not offered the amendment it did at its last meeting, but because of that amendment I am prepared to vote "yes." But I do believe that the amendment that I offered, and particularly the one that the gentleman from Centre, Senator Corman, offered, and the gentleman from Venango, Senator Peterson, and some of the other amendments were good, solid amendments that would have made this bill better, would have clarified some things, would have made sure that we in rural Pennsylvania are protected, would have gotten rid of some language that did not need to be there and would have made this a better bill, and we could have reprinted it.

I think that to suggest that because the hour is so late, and as the gentleman from Philadelphia, Senator Williams, so aptly put it, we did not pick this hour to run this bill, this is the time that was given to us. Mr. President, I am going to vote for this bill with some concern for the reasons I have stated, and I think I needed to at least put them on the record to express my frustration with the way things sometimes seem to get done.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair recognizes that there are several Members back on the floor and we want to

cancel their leaves: Senator Bodack, Senator Fumo, Senator LaValle, Senator Afflerbach, Senator Corman, and Senator Salvatore. Their leaves are cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator LINCOLN. Mr. President, I have some remarks I would like to enter for the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Fayette, Senator LINCOLN:)

A great many issues of vital interest to our Commonwealth have crossed by desk in the 21 years I've been in the Pennsylvania legislature. Yet none have had the exciting potential to shape our very future the way telecommunications reform can.

The need for a sophisticated and reliable telecommunications network in our Commonwealth is indisputable. In fact, a few select locations in our state already have one. For at least five years, large businesses in the Philadelphia and Pittsburgh areas have had access to the newest technologies through fiber optic networks built by competitors of local phone companies.

However, these networks are of no benefit to most of our commonwealth. Small towns, economically distressed cities and rural areas are left behind. And unfortunately, it is the areas left behind which would benefit most from the new technology.

House Bill 84 is a proposal to help all of Pennsylvania reap the rewards of advanced telecommunications which only selected customers in our largest cities presently enjoy.

This bill represents a commitment from the local telephone companies in our commonwealth to build a universal, broadband telecommunications network throughout 100% of our state by the year 2015. The 100% figure is not a goal, it is a commitment. And most importantly, along every stage of construction, the deployment of the network would have to be geographically balanced among rural, urban and suburban areas.

This broadband network would allow the transmission of data and information which is not possible with our present copper-wire connections. Video and computer data could be transmitted at very high speeds along a fiber line--something that is not possible on copper. Residences, schools, hospitals, and businesses would all be linked in a network that allows for interactive video and voice communication.

One of the major beneficiaries of this network would be our schools. As distance learning becomes more commonplace, our educational system will improve. Students from geographically-remote small towns would have access to courses of study which their schools can only dream about offering now. In the not so distant future, children from places like Perryopolis in Fayette County and Sheffield in Warren County may have the opportunity to take a course in Japanese being offered in Pittsburgh.

They will be able to see their teacher, ask questions and hand in assignments via fax. In turn, the teacher will be able to grade homework, administer tests and generally provide the same guidance and feedback that a student sitting across the room would receive.

Applications in medicine are equally as astounding. A patient in a small hospital would literally be able to "see" a specialist hundreds of miles away without ever leaving his bed. Through a broadband communications network hookup, the doctor could look at the patient, view test results and offer an expert diagnosis and treatment that would otherwise be unavailable.

A nationwide study concluded that not only would health care improve with the use of advanced telecommunications, but the annual cost of health care could be reduced by about \$36 billion. Home

monitoring of patients and electronic processing of patient information and health care claims could help bring savings to an industry where costs are exploding out of control.

Improved telecommunications also means an improved economy. The economic future of our commonwealth, including the creation of new jobs, depends on having a modern and adaptable telecommunications infrastructure in place.

Telecommunications-intensive industries are expected to add over a million and a half new jobs this decade along. By the year 2000, jobs which are dependent on sophisticated communications will account for about 88% of Pennsylvania's employment--including jobs in banking, insurance, real estate, services and manufacturing.

The PUC study on Pennsylvania's telecommunications needs demonstrates that accelerating the construction of this network--as we are attempting to do in this bill--will add 240,000 new jobs to PA's economy by 2015. These are jobs created because the network will attract new businesses and foster expansion of existing businesses. Of that figure about 12,000 new jobs will be created to actually build the network.

Small businesses--the area of greatest job growth in our economy--are highly reliant on a public switched network. A broadband network would help make small businesses more competitive with their larger counterparts in major metropolitan areas.

Studies have shown that telecommunications is one of the leading factors which business leaders consider when making decisions about where to locate a new business. It is clear that without state-of-the-art communications, business expansion will be stymied and job opportunities will be lost.

A number of states and nations have already moved ahead to accelerate the deployment of a broadband network--including New Jersey, Tennessee, Illinois, Nebraska France and Japan.

Pennsylvania is one of only four states which have not taken any regulatory or legislative action in this area. In fact, the midwest has become a leader in telecommunications advancements. Two Philadelphia-based firms have already located operations in North Dakota because of the telecommunications opportunities there. We cannot afford to lose more of our jobs because we haven't kept pace with technological developments.

I believe that House Bill 84 provides that all-important first step to propel us on our way toward 21st-century technology. It is the product of six or seven years of negotiation and compromise on the part of the telephone industry, consumer groups, and many other interested parties.

The bill is aimed at providing local phone companies with regulatory alternatives that will improve their ability to attract investment capital--capital which is needed if we are to make the infrastructure improvements which our schools, hospitals, and businesses need, and which our consumers want. Current regulation, in many respects, thwarts investment and blocks technological development.

House Bill 84 enables local telephone companies to petition the Public Utility Commission for an alternative form of regulation, but maintains the PUC authority to approve or disapprove any alternative regulation plan submitted.

Non-competitive services, or those services which only local phone companies can provide, would be regulated through a rate stability plan approved by the PUC. The PUC alone has the authority to approve rate increases. There is no automatic rate increase in this bill.

Competitive services, or those services for which there are a number of providers in a particular geographic region, would be free from regulation. An example of a "competitive" service might be answering services. Market forces, not regulation, would determine rates. It is important to remember that the PUC alone has the authority to deem a service "competitive," and that the Commission can reverse that determination at any time. Moreover, the burden in proving that a service is competitive would be on local phone company.

Please note that modifying our regulatory framework does not mean doing away with regulation. On the contrary, this bill includes vital consumer protections and protections for competitors to local

phone companies.

To ensure that local phone companies do not have a competitive advantage over other companies offering similar services, this bill requires that access lines and other phone company services be made available to all competitors, including the phone companies themselves, under identical prices, terms, and conditions. Moreover, the PUC maintains its authority over consumer privacy and safety issues.

I believe we in the legislature must make this commitment to a new and improved communications infrastructure in Pennsylvania. Pennsylvania residents have a right to the same economic opportunities, educational benefits, and health care technologies that people in North Dakota, Nebraska, and New Jersey have. The passage of House Bill 84 will help to secure our jobs, our health and our very future. Our possibilities for growth and development will be limitless.

Senator LINCOLN. Mr. President, I also would like to say that I am voting for this bill for good reasons. There was 6 months' worth of committee deliberation on this bill, there were several public hearings in both the House and the Senate where staff from both the House and the Senate combined to analyze those remarks made by the people who testified. There was a committee meeting that seemed to go on forever. I believe that before you have a good piece of legislation--and I cannot help it that it is 1 o'clock in the morning, but 1 o'clock in the morning does not make it a bad bill. One o'clock in the morning sometimes produces some of the best legislation that I have seen. But this is a good bill. It will provide for everyone in Pennsylvania to avail themselves of some wonderful and marvelous technology. I do not believe there was anything else that was intended for this bill but that reason, and I say to you that I am voting for it with a very positive vote, and I would ask everyone else to vote for it.

PARLIAMENTARY INQUIRY

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The gentleman will state his point.

Senator BELL. Mr. President, I am an owner of stock in Bell Atlantic, which owns Bell of Pennsylvania, and I am disclosing the same and I would like instruction on whether I can vote on this bill.

The PRESIDING OFFICER. It is the ruling of the Chair that you are a member of a class of many, many stockholders and therefore are eligible to vote and, in fact, are required to cast a vote by your presence on the floor of the Senate.

Senator BELL. Thank you, Mr. President.

Mr. President, I am going to make a very brief statement.

The PRESIDING OFFICER. The gentleman is recognized.

Senator BELL. Mr. President, I am going to vote against this bill, although I am most assuredly going to make money on that Bell Atlantic stock.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I continue to object to a process on a major new industry without allowing appropriate, deliberate time to understand its implications and its technical points. Despite the fact that lip service was given at

some committee hearings, it is a fact that most people in this body do not understand this bill, that many who have studied it for a year or 6 months do not understand this bill or the implications. That is a fact. So the form we are going through is to fool somebody into a notion that we understand, for a variety of reasons. So I object. I do not think that we ever ought to be doing that.

Number two, I object to the meanness of the exclusion of people who cannot even work because of discrimination. And as we step into a new opportunity, talking about 240,000 jobs and great technology into the future and all of that stuff, I object to the meanness, the narrow-mindedness not even to do what we did in the previous thing called the Convention Center, and a meanness even in my party to exclude people who cannot work. The documentation is clear and the news is clear on major corporations, and because people are women or African-American, they exclude them and allow people to do that. I object. We cannot even take a moment in a democracy and say, what is your problem? Call me a Democrat. I am not that kind of Democrat. At least the Republicans' excuse is that they are the other party, not that they are any better on that issue. They are worse. But this is my party saying, we do not want you at all. I think that is mean. I object. And I object to each and every step on this plan that does not even include the consumer. And it is for at least three reasons I object.

I proudly oppose and cast my vote against this bill, Mr. President. I do feel happy, though, that after midnight I have the opportunity to object, the opportunity to look in the eyes of my fellow legislators who with candor said, you do not count and the people you represent do not count. I appreciate that, because that is knowledge. I appreciate that. You motivated me tonight and woke me up from my sleep. Whether it is at midnight or noon, it is better to know when you are not included, even when we come out with major steps. It happens a lot. Too often we cannot object, so I appreciate the opportunity, Mr. President, you have given me to object.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, back in April of 1991, I formed and met with approximately 45 people from the Cable and Lehigh Valley Education Cooperative, the county board of commissioners, the Department of Planning and Development, Emergency Management, Turner Education Services, the Department of Community Affairs, independent colleges, school districts, the Pennsylvania Public Television Network Commission, the Commission on Libraries, PSEA, the Public Utility Commission, the Pennsylvania League of Cities, Pennsylvania State Association of Boroughs, Pennsylvania State Association of County Commissioners, township supervisors, school boards, and the Department of Education, and on and on. It was our distance learning task force. And if anything is appropriate to what we are doing today to define what we are doing, we came up with a vision statement. The vision statement says this: A statewide electronic telecommunications interconnect of all levels of government, all K to 12 and higher education institutions, all libraries, all health care facilities, and

the emergency management network. The statewide telecommunications interconnect shall allow all of the above to interactively share resources in the form of video, audio, data, graphics and facsimiles. The cost of this system will be minimized through the full utilization of both existing and developing telecommunications resources. The statewide interconnect should have the appropriate enhancements for interactive communications with any number of users in varied locations throughout the Commonwealth. Funding for this system will be accomplished by public and private sector investment.

At one of the meetings I attended, I was most concerned about what technology to use. I keep hearing fiber optics, fiber optics. And when I met with all those people, what they said is, do not worry about the technology. We in the marketplace will determine what it should be. I said, well, suppose I have fiber optics and you have cable, what system do I use? They said, our engineers will take care of that. We will do the hooking up from there. The fact is, when you look around, we have the PANET system, which is in place, which the Governor approved especially for us to use in education, and which this Chamber approved in Senate Bill No. 875 to allow a source of funding to be available to our schools and to be able to loan this out to businesses to use. In turn with that, we also had the Pennsylvania School Building Authority put \$2 million up to be able to get into this system. You say, is it fiber optics? No. Do we need someone else's money in the case of others? No.

The easiest thing I refer to is, look at the Patriot News. Bell Atlantic is "not waiting for government to provide them with a dedicated and guaranteed source of funding. Instead they are using private money to build multipurpose fiber optic systems today, not years from now." And if you think this is not a serious consideration, if you do not think this is a serious movement that is not requiring legislation to fund it, in the New York Times, Sunday, June 13, 1993, "Microsoft and 2 Cable Giants Close to an Alliance. Three dominant technology and entertainment companies are on the verge of joining forces to create the equivalent of software for cable television -- a system that would combine the worlds of computing and television and perhaps shape how much of popular culture is delivered." TimeWarner, Tele-Communications, and Microsoft are creating what will be called Cablessoft. "Several executives involved in the negotiations said the deal was not complete and that other companies, including regional telephone and software companies, might participate." Folks, there are some other names in there too - big, large corporations.

I guess the best way I can end it is, "A number of industry executives have warned that despite the intense interest in interactive television on many fronts, it may well be years before systems are installed and before public appetite for such services is sufficient to provide the companies significant returns on their investments."

Now, what am I trying to point out that I am looking for? Some of you were saying, fiber optics, that is what we are going to get out of this practice. Look at the bill, page 7, line 8. It defines broadband. I am sorry, on page 7, line 8, is the only place in this bill where you see the term "fiber optic

trunk." It is nowhere else in this bill. When you look at the definition of broadband, "A communication channel using any technology and having a bandwidth equal to or greater than 1.544 megabits per second." Copper can be equal to that, too. And you say, well, then you mean we are going to put copper in? We are not going to put in fiber optics? No, everybody is telling us we are going to put fiber optics in. But then look at page 10, under lines 13 to 16, and it says, "The commission may require that a local exchange telecommunications company provide universal broadband availability having a bandwidth greater than 1.544". It did not say it has to; it says it may. So we could end up with a number of different things, never really driving down for the things we want. There is no guarantee that it is going to be in the rural areas. There is no guarantee it is going to be fiber optics.

And if any of you think this technology is going to last longer than 5 years, dream again. Innertell of King of Prussia, in World Future Society Magazine a few weeks ago, went down to Texas and put in a communications system with all this capability, which was wireless. Now, if that was done in this past year, what is going to happen in the next year, or the year after that? And we are going to obligate ourselves on this particular point to the year 2015? By that time the technology will be outmoded. We will probably be doing something else.

The other thing, too, is although House Bill No. 84 does not mandate automatic rate increases, the PUC can approve rate hikes on noncompetitive services, so subscribers may be required to pay for the broadband services even though they do not use them.

House Bill No. 84 essentially chooses the local exchange company to build a broadband network by creating an environment which other competitors do not have. And then we had a \$2 million study done by the PUC, which concluded that the local exchange companies do not necessarily require rate increases to fund the construction of a broadband. They can finance it themselves.

I look at this and I have to say to myself again and again, what are we doing here? Use the term "fiber optics," use the term "new technology," but folks, cut it, slice it, or fry it, it is totally deregulation. And when you deregulate, you are going to be taking what has been, shall we say, the noncompetitive areas off of the base and put it in the competitive area, which means there has to be a shortage back here in the service. So we end up paying, you and I as consumers or anybody who has a phone and wants the service, for that difference and that line, while the competitors on the other side go somewhere else. It does not come back. Is that what we want to be doing? If that is what deregulation is, and if you want to call it a hidden tax or whatever you want to call it, that is what is coming down. Maybe what we ought to do is deregulate the whole thing and let everybody get into everybody's market and not have to regulate it from there. And if the PUC is at fault, then maybe what we have to do is give the PUC a cracking to get them into the 21st century.

One other thing, too, about this broadband base that is going to go in. If anybody is sitting here thinking that they are not

going to pay for those services, wake up and smell the roses at 10 after 1:00. You are going to pay for the basic services, you are going to pay for the band, and as someone who gets involved in this said to me, you know that little commercial where they are showing the baby to the grandparents? How about maybe \$4 a minute for that kind of exchange? You explain that to your senior citizens and you explain it to the rest.

We have something in place that we can move on. We have a PANET system that we here in the Commonwealth use and are willing to share. The Governor is even committed to it. I think, as I look at this, I am probably as much futuristically oriented as anybody else around here. That is one of the reasons why I put that task force together before we even had the Committee on Communications and High Technology, because I think it is something we have to move into, but I think the marketplace should determine where it should go, not the legislature.

I would ask for a "no" vote on this bill. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, the hour is late and I will be brief. A lot of work and a lot of compromises have gone into this bill, and I particularly want to thank my executive director, Steve Samara, for a lot of the work he has put into it, and also the gentleman from York, Senator Bortner, and his staff, for all the work that they have put in, and also I would like to commend the gentleman from Fayette, Senator Lincoln, and the gentleman from Venango, Senator Peterson, for a lot of the work and dedication they put into this legislation.

To me, this is just the interstate highway for technology, and the faster we install it, the quicker everybody benefits. This is going to help us in education, health, and jobs. Some of the things -- we just cannot imagine how it is going to change our lives, and the faster this is deployed, the faster everybody benefits. The way I look at it, deployment of fiber optics means employment for Pennsylvanians, and I urge support of House Bill No. 84.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I am going to be very brief also; the hour is late. This is an issue that I have been involved with since the '89-'90 Session, when we first started to really try to get a deep understanding of this issue. It has been an interesting debate, it has been an interesting public debate, and I guess there were times when I wondered if we really got the facts put before us, because there was an awful lot of rhetoric on all sides. There are those who have asked, what happens if we do not do this? Well, if we look around, as the gentleman from Lancaster, Senator Armstrong, just said, it is a very competitive world. The majority of States in this country have been moving forward, ahead of us. Some have done it with a more aggressive, visionary PUC than we have. Some have done it with legislation, but the majority of States have seen the vision and have seen the opportunities.

Whenever you change, I am sure when television came, and I am told that there was awesome opposition, that it was going to ruin everything, was going to ruin radio, was going to ruin the print media, and was going to just put everybody else out of business, and we know that has not happened. It has changed our lives drastically. We talked about losers. I do not know that there are a lot of losers. I think we are going to see better health care in our homes for senior citizens, we are going to see better education in our homes for shut-in people. There are so many opportunities once this system is in place. Almost anybody who wants an educational program will be able to dial it up and have it personally. There are going to be so many things that will be available to everybody. Yes, there are those who say technology is going to change but we are not going to change because something else might happen. We have been behind the eight ball; we are not ahead.

I want to commend all of those who have worked hard on this bill. I think there was an awful lot of good compromise. I think everybody has had their chance at getting major pieces of change in this legislation. It is probably not perfect. I would have liked to have perfected it a little more tonight myself and was disappointed when I could not. But this is a good step forward for Pennsylvania. And as the gentleman from Lancaster, Senator Armstrong, stated so well, this is the super highway of technology. And if you just stop and think about what has happened in technology in the last 4 or 5 years and what is going to happen in the next 5 or 6, this is the way we need to be moving. It will create jobs, it will create opportunities, it will improve health care, it will improve education, it will just make the quality of life better. It is progress, and we must move forward.

I urge an affirmative vote on what I think is a very visionary piece of legislation, one that has been hammered out with a lot of compromise. Maybe no one is perfectly happy with it. That is usually a sign that we have done a pretty good job, and I urge my colleagues tonight to move forward on this issue and vote in the affirmative.

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

Senator BODACK. Mr. President, I rise tonight to oppose this bill. We heard a lot of highfaluting talk about fiber optics, what it will do for people, how inexpensive it is going to be once it is established, and I would like to tell you that ever since I came to this Senate in 1978, I thought I knew something. I learned a lot of dirty words when I got here, and I learned them from consumers. I learned them from senior citizens groups. They were words such as "allowance for funds used during construction." They were terms like "payment for construction work in progress." In those days, in 1978 and before, there was a lot of concern and a lot of public outcry over the Public Utility Commission at that time allowing different moneys to the utility companies in this State, not the least of which was phantom taxation. It seems to me, Mr. President, that we are embarking on the same road this evening.

It is my understanding that we have eliminated the cost that

was originally in this bill that would immediately trigger in when it was passed to start charging consumers to build this system. What we are doing here this evening, and the point of this bill that has not been discussed and which apparently is totally being missed, is the fact that we are making, once again, involuntary investors out of the consumers of this State. What has happened to the premise that a business would put forth all of those moneys for research and development and other things that were necessary to get a product marketable and to make it competitive so that they could exist in the world of business? We do not see that anymore. What we are doing here this evening is we are asking the consumers of this State to put up the money and to foot the bill for a multibillion dollar corporation. I do not think that is right, and I do not think that we should foist this upon our public. I think it is a disgrace that we are taking steps backwards by providing in this bill the method by which the Public Utility Commission might charge consumers for work that should be done by the utility company that is making all of the money on this. Their investors will still enjoy their 6- and 7- and 8- and 9-percent return on their money, but the poor consumer will be called upon to put their bucks out there, to put the money up, to build this beautiful, wonderful fiber-optic system.

Mr. President, based on that information alone, I would ask for a negative vote on this bill.

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—39

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

NAYS—9

Belan	Fattah	Pecora	Robbins
Bell	Jones	Rhoades	Williams
Bodack			

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.

REPORTS FROM COMMITTEES

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

SB 759 (Pr. No. 1354) (Rereported)

An Act making appropriations to the Hahnemann University, Philadelphia.

SB 1022 (Pr. No. 1533) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the recognition of the Pennsylvania Geographic Alliance; imposing powers and duties on the Secretary of Education; providing for powers and duties of the Department of Environmental Resources to regulate commercial dredging in the Allegheny River; and making an appropriation.

SB 1046 (Pr. No. 1437) (Rereported)

An Act amending the act of June 22, 1931 (P. L. 682, No. 249), entitled, as amended, "Diseased Animal Condemnation Law," further defining "domestic animal" or "animal"; defining "herd or flock of animals" and "wild or semiwild animal"; and further providing for compensation of owners of domestic animals.

SB 1103 (Pr. No. 1259) (Rereported)

An Act mandating health insurance coverage of annual gynecological examinations and routine pap smears; and making repeals.

HB 1340 (Pr. No. 2292) (Rereported)

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; for postsecondary educational costs 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.

Senator LINCOLN, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 880 (Pr. No. 1520) (Rereported) (Concurrence)

An Act providing the Early Childhood Education Professional Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their educational training to positions in approved child-care facilities in this Commonwealth.

SB 970 (Pr. No. 1517) (Rereported) (Concurrence)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "court"; extending the authorization for transfers to the Catastrophic Loss Benefits Continuation Fund from the Workers' Compensation Security Fund; further providing for suspension or revocation of vehicle business registration plates, for revocation or suspension of operating privilege, for issuance and content of driver's license, for an exemption from certain fees, for certification of mechanics, for snowmobile and all-terrain vehicle registration exemptions, for judicial review and for reports by courts; and making repeals.

SB 1098 (Pr. No. 1525) (Rereported) (Concurrence)

A Supplement to the act of _____ (P.L. _____, No. _____), entitled "Capital Budget Project Itemization Act for 1993-1994," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environ-

mental Resources, the Department of Community Affairs or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; making appropriations; and making repeals.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 3

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1340 (Pr. No. 2292) -- 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; for postsecondary educational costs 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 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 PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, you know, we try to be careful when you get to an hour like this, everybody wants to know what they are voting on, and I know that the Reibman amendment is in here and I think we all know that. Could somebody just please briefly explain what else is in the bill?

Senator LINCOLN. Yes, Mr. President. I apologize.

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

Senator LINCOLN. Mr. President, House Bill No. 1340 is more commonly known as the deadbeat parent bill. It sets up a procedure for collecting payments that are not made by parents who have obligations for children. The original bill is set up so that you can collect from professionals and everyone now who cannot be garnished when they fail to pay to Domestic Relations the payments that have been ordered by court for child support. That is the original bill. We have amended Senate Bill No. 508, sponsored by the gentlewoman from Northampton, Senator Reibman, which passed the Senate several weeks ago, which is more commonly known as the *Blue vs. Blue* bill, which will effectively overturn a Supreme Court decision about spousal obligations to children who are going to go on to college and payments for that support. We also included Representative Piccola's amendment that limited this

strictly to a divorced or separated couple and excluded single parents in paternity suits and the like, and I believe that pretty much covers what is in the bill.

Senator JUBELIRER. Thank you, 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—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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

SB 308 (Pr. No. 1506) -- The Senate proceeded to consideration of the bill, entitled:

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

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?

LEGISLATIVE LEAVE

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

Senator LINCOLN. Mr. President, Senator Bortner has been called to his office and I request a temporary Capitol leave for Senator Bortner.

The PRESIDING OFFICER. Senator Lincoln requests a temporary Capitol leave for Senator Bortner. Hearing no objection at this hour, the leave is granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. I want to recognize Senator Porterfield; the President pro tempore, Robert Mellow; and Senator Dawida on the floor. Their temporary Capitol leaves will be cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, Senate Bill No. 308, which is the bill that accompanies Senate Bill No. 309, is really dependent upon the passage of Senate Bill No. 309 and the passage of the constitutional amendment as set forth in Senate Bill No. 309. My understanding is that we could actually pass Senate Bill No. 309 and not pass Senate Bill No. 308, go ahead and go to a referendum.

I have consistently supported the concept of Senate Bills No. 308 and 309, which is to provide a high-level trial court to handle important commercial matters. As I looked at the chancery jurisdiction though and read this closely, what I am beginning to realize is that while we have attempted to draw the jurisdiction somewhat narrowly, what we find is that in fact the chancery jurisdiction seems a little bit broader than I had anticipated. For example, in Section 31, it provides that "Notwithstanding the second section of section 20(a) of this article, the General Assembly may fix the initial jurisdiction of the Chancery Court without the advice and consent of the Supreme Court." In addition, the \$150,000 threshold that has been talked about is a statutory threshold, not a constitutional threshold, which means, very simply, that the \$150,000 could be increased or reduced by the General Assembly in a couple of years, which would significantly change the court's jurisdiction. In addition, there seems to be a lot of latitude in here and there are phrases such as, "in any case where a consumer, as such, who is a natural person (other than in the capacity of a sole proprietor) is an indispensable party, unless otherwise expressly provided by the General Assembly with the advice and consent of the Supreme Court," which means that with the advice and consent of the Supreme Court, the General Assembly can pretty much do as it darn well pleases.

MOTION TO PASS BILL OVER

Senator BRIGHTBILL. As a result of this, I would respectfully ask that we take Senate Bill No. 308, and then Senate Bill No. 309, over in their order, since it is now 1:30 in the morning and it is very obvious this is not going to be dealt with by our House of Representatives until the fall. I think it would give everyone an opportunity for additional study, and therefore, I move that Senate Bill No. 308 be taken over in its order.

The PRESIDING OFFICER. Senator Brightbill has moved that Senate Bill No. 308 go over in its order.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I rise in support of this motion and I call to the attention of the Senate that between Senate Bill No. 308 and Senate Bill No. 309, and they are a package, there is a new type of selection of judges for Pennsylvania. We have all heard of merit selection of judges. This is political selection of judges, because the constitutional amendment, which is about 10 pages long—it is 11 pages, but 1 page is crossed out—says there is a chancery nominating commission composed of the chancellor, the senior service vice-chancellor of a different party from the chancellor, four members of the commission appointed by the Governor, two by the Supreme Court, two by the President pro tempore, two by the Speaker, two by the Senate Minority Leader, and two by the House Minority Leader. Now, this is not merit selection, this is political selection. I think it is even better than merit selection because I am proud to be a politician, but the people back home do not think that way, and I do not know that the people back home, my friends in labor organizations who oppose merit selection, when they hear of this type of selection, they are going to really blow their tops. This is nothing more than politicians like you and me, as much as we love ourselves and as much as we are detested back home, saying who shall be the judges. This is a new page in Pennsylvania's history, and I say that anybody who votes for this type of selection of judges is going to answer to the people at the polls. I know all of you can carry a general election, but you sure as heck can get licked in the primary.

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

Senator LINCOLN. Mr. President, is this on final passage?

The PRESIDING OFFICER. This is on the motion by Senator Brightbill, supported by Senator Bell, that Senate Bill No. 308, against your wishes, go over in its order.

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

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

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

Senator LaVALLE. Mr. President, I would like to change my vote from "yes" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator PECORA. Mr. President, I would like to change my vote from "yes" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator ANDREZESKI. Mr. President, I would like to change my vote from "yes" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—23

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

NAYS—25

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

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

And the question recurring,
Shall the bill pass finally?

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

YEAS—18

Afflerbach	Fumo	Mellow	Reibman
Baker	Greenleaf	O'Pake	Scanlon
Bortner	Hart	Peterson	Schwartz
Dawida	Jones	Punt	Wenger
Fisher	Lewis		

NAYS—30

Andrezeski	Helfrick	Mowery	Shaffer
Armstrong	Holl	Musto	Shumaker
Belan	Jubelirer	Pecora	Stapleton
Bell	LaValle	Porterfield	Stewart
Bodack	Lemmond	Rhoades	Stout
Brightbill	Lincoln	Robbins	Tilghman
Corman	Loeper	Salvatore	Williams
Fattah	Madigan		

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

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

RECONSIDERATION OF SB 308

BILL REREFERRED

Senator LINCOLN. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 308, Printer's No. 1508, just failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I move that Senate Bill No. 308 be rereferred to the Committee on Judiciary.

The PRESIDENT. Without objection, Senate Bill No. 308 will be rereferred to the Committee on Judiciary.

BILLS REREFERRED

SB 309 (Pr. No. 1507) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 340 (Pr. No. 1436) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to the selection of justices and judges.

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

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

HB 353 (Pr. No. 2278) -- 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.

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

On the question,
Shall the bill pass finally?

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

YEAS—24

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

NAYS—24

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

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

RECONSIDERATION OF HB 353

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 353, Printer's No. 2278, just failed on final passage and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, House Bill No. 353 will be rereferred to the Committee on Rules and Executive Nominations.

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

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 880 (Pr. No. 1520) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing the Early Childhood Education Professional Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their educational training to positions in approved child-care facilities in this Commonwealth.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 880.

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

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

Senator LOEPER. Mr. President, I would ask for a negative vote on Senate Bill No. 880.

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

Senator LINCOLN. Mr. President, did I hear the gentleman from Delaware, Senator Loeper, ask for a negative vote?

Would the gentleman stand for brief interrogation?

Senator LOEPER. Yes, Mr. President.

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

Senator LINCOLN. Mr. President, is there something wrong with this bill since the time it left the Committee on Rules and Executive Nominations and the Committee on Appropriations? It is the same thing. It had a unanimous vote coming out of those committees, and I am wondering if there is something in the bill or something that happened that I am not aware of?

Senator LOEPER. Mr. President, it is simply the hour of the night and the content of the bill just thrust before us that all

our Members have not had a chance to caucus on, and therefore, we feel it would be a much better issue to deal with in the fall.

Senator LINCOLN. Mr. President, I believe that the sponsor of the bill could very easily explain it. It is very simple. It is a loan forgiveness program for professionals in the child care field. I am mystified by why anyone would want to vote against something that is absolutely good, simple to understand, and is really good for the gentleman's constituency as much as mine, and I know that it is going to be fun for the gentleman to go home and explain that he voted against early child care education and professional loan forgiveness simply because it was 2 o'clock in the morning. That is a terrible reason to use to vote against such an outstanding piece of legislation.

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

Senator SCHWARTZ. Mr. President, I understand the late hour, but I would also remind my colleagues that they have already voted on this bill once and we are now really just voting to concur in some amendments, which I would be happy to explain. The bill, for those who may not have had a chance to look at it either the first time they voted in the affirmative or now, is, in fact, a loan forgiveness program for child care workers. It would provide up to \$10,000--\$2,500 per year--based on a lottery system for those who apply for child care workers in licensed child care centers.

The basis of this bill is the fact that child care workers not only provide very valuable and important work, most of us acknowledge that, but they also are among some of the lowest paid workers in the State. The average statewide salary is less than \$12,000 a year. There was general agreement about this bill in the Committee on Education. It was passed out with strong support. Again, there was support on the floor for this as well.

I can briefly explain the amendments that were added in the House. It was not substantially changed. What was done in the House was to address the concern about how to prioritize and in fact limit the potential interest in this bill, and briefly what those amendments did was they said that you have to make under \$18,500 a year. You really had to truly be low paid. You could not have defaulted on a PHEAA loan. That you would have to be in a lottery system every year, so there would be no priority given to someone who had received a previous loan. In addition, you would have to make sure that you had no defaults or owed anything to the State in any way.

So I want to particularly thank Representative Cowell and both the Democrats and Republicans in the House. I was going to also thank the Democrats and Republicans here who had been very supportive of this bill all along and really would be introducing new objections that did not seem to exist except for the fact that it is late. The late hour seems to be the only objection that I am hearing.

This has been universally supported by child care workers across the State in every community. It will, I think, particularly help some of the poor or rural areas since we did set the

salary at under \$18,500 a year. It may, in fact, exclude some slightly better paid child care workers in urban areas. But I really want to encourage my colleagues to rethink this, to not make this a partisan issue. It is something that many of your constituents, whether they are child care workers or, in fact, have young children in child care and recognize the importance of retaining highly qualified people doing important work in their community. And by voting against this you are actually also voting against an allocation we have made in the budget. We have \$300,000 already in the budget waiting for this program to be passed. By authorizing this program tonight--it has, as you know, already passed in the House--we would be able to set this in motion so that it would be available beginning in January, which is what the plan is. Those dollars are available. We already agreed to that in the budget.

So I would encourage you to rethink this. Maybe there will be at least one or two Republicans who might consider voting for the children of the Commonwealth, voting for all the child care workers and the value of their work, and, in fact, voting for all those parents who look for highly qualified child care workers to stay in the field. We do know that the parents and workers across the State are watching this bill, and while they may not know about it at 2:00 in the morning, they will certainly all know about it the next day, and I would be curious to have it better justified than that it is a late hour and although you have already voted positively once, you are not inclined to do so a second time because it is 2:00 in the morning.

So I would really ask you to rethink this position and I encourage a positive vote on Senate Bill No. 880. I would be happy, Mr. President, to answer any questions if there is someone who has some concerns about this fairly straightforward piece of legislation.

Thank you very much, Mr. President.

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I also request a temporary Capitol leave on behalf of Senator Peterson, who has been called from the floor.

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

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—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 880

BILL OVER IN ORDER

Senator LINCOLN. Mr. President, I move that we reconsider the vote by which the Senate failed to concur in House amendments to Senate Bill No. 880, and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. There being no objection, the bill will go over in its order.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 970 (Pr. No. 1517) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "court"; extending the authorization for transfers to the Catastrophic Loss Benefits Continuation Fund from the Workers' Compensation Security Fund; further providing for suspension or revocation of vehicle business registration plates, for revocation or suspension of operating privilege, for issuance and content of driver's license, for an exemption from certain fees, for certification of mechanics, for snowmobile and all-terrain vehicle registration exemptions, for judicial review and for reports by courts; and making repeals.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 970.

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1098 (Pr. No. 1525) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1098.

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREFERRED

SB 519 (Pr. No. 556) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 565 (Pr. No. 1521) -- 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; 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.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 625 (Pr. No. 1469) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited school service.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LaVALLE, by unanimous consent, offered the following amendment No. A3040:

Amend Title, page 1, line 3, by removing the period after "service" and inserting: and for the termination of annuities.

Amend Bill, page 3, line 10, by striking out all of said line and inserting:

Section 3. Section 8346 of Title 24, amended December 22, 1992 (P.L.1681, No.186), is amended to read: § 8346. Termination of annuities.

(a) General rule.—If an annuitant returns to school service or enters State service and elects multiple service membership, any annuity payable to him under this part shall cease and in the case of an annuity other than a disability annuity the present value of such annuity, adjusted for full coverage in the case of a joint coverage member who makes the appropriate back contributions for full coverage, shall be frozen as of the date such annuity ceases. An annuitant who is credited with an additional 10% of membership service as provided in section 8302(b.2) (relating to credited school service) and who returns to school service, except as provided in subsection (b), shall forfeit such credited service and shall have his frozen present value adjusted as if his 10% retirement incentive had not been applied to his account. In the event that the cost-of-living increase enacted December 18, 1979, occurred during the period of such State or school employment, the frozen present value shall be increased, on or after the member attains superannuation age, by the percent applicable had he not returned to service.

(b) Return to school service during emergency.—When, in the judgment of the employer, an emergency creates an increase in the work load such that there is serious impairment of service to the public or in the event of a shortage of appropriate subject certified teachers, an annuitant may be returned to school service for a period not to exceed 95 full-day sessions in any school year without loss of his annuity. In computing the number of days an annuitant has returned to school service, any amount of time less than one-half of a day shall be counted as one-half of a day.

(c) Subsequent discontinuance of service.—Upon subsequent discontinuance of service, such member other than a former annuitant who elected to eliminate the effect of his frozen present value in accordance with subsection (d) or a former disability annuitant shall be entitled to an annuity which is actuarially equivalent to the sum of the present value as determined under subsection (a) and the present value of a maximum single life annuity based on years of service credited subsequent to reentry in the system and his final average salary computed by reference to his compensation during his entire period of school and State service.

(d) Election to eliminate the effect of frozen present value.—

(1) If an annuitant who has not elected multiple service returns to school service and earns three eligibility points by performing credited school service following the most recent period of receipt of an annuity under this part and the present value of his annuity has been frozen in accordance with subsection (a), the former annuitant may elect to eliminate the effect of the frozen present value resulting from all previous periods of retirement by agreeing to return to the fund all payments under Option 4 and annuity payments payable during previous periods of retirement plus interest as set forth in paragraph (4) in the form of an actuarial adjustment to his subsequent benefits.

(2) A former annuitant who has not elected multiple service and chooses to eliminate the effect of his frozen present value must elect to do so in the school year in which he first becomes eligible or in the following school year. Only an active or inactive member on leave can elect to eliminate the effect of frozen present value.

(3) Upon subsequent discontinuance of service where a former annuitant has elected to eliminate the effect of the frozen present value under this subsection, that portion of the present value of his account upon which his annuity had been calculated shall no longer be frozen and he shall be entitled to an annuity calculated in accordance with the provisions of this part as then in effect, adjusted according to paragraph (4), provided that a former annuitant who retired under a provision of law granting additional service credit if termination of school service or retirement occurred during a specific period of time, shall not be permitted to retain the additional service credit under the prior law when the annuity is computed for his most recent retirement.

(4) In addition to any other adjustment to the present value of the maximum single life annuity that a member may be entitled to receive that occurs as a result of any other provision of law, the present value of the maximum single life annuity shall be reduced by all amounts payable to him during all previous periods of retirement plus interest on these amounts until the date of subsequent retirement. The interest for each year shall be calculated based upon the annual interest rate adopted for that school year by the board for the calculation of the normal contribution rate pursuant to section 8328(b) (relating to actuarial cost method).

Section 4. Sections 5308.1 and 5706 of Title 71 are amended to read:

Amend Sec. 3, page 4, by inserting between lines 13 and 14: § 5706. Termination of annuities.

(a) General rule.—If the annuitant returns to State service or enters school service and elects multiple service membership, any annuity payable to him under this part shall cease and in the case of an annuity other than a disability annuity the present value of such annuity, adjusted for full coverage in the case of a joint coverage member who makes the appropriate back contributions for full coverage, shall be frozen as of the date such annuity ceases. An annuitant who is credited with an additional 10% of Class A and Class C service as provided in section 5302(c) (relating to credited State service) and who returns to State service shall forfeit such credited service and shall have his frozen present value adjusted as if his 10% retirement incentive had not been applied to his account. In the event that the cost-of-living increase enacted December 18, 1979 occurred during the period of such State or school employment, the frozen present value shall be increased, on or after the member attains superannuation age, by the percent applicable had he not returned to service. This subsection shall not apply in the case of any annuitant who may render services to the Commonwealth in the capacity of an independent contractor or as a member of an independent board or commission or as a member of a departmental administrative or advisory board or commission when such members of independent or departmental boards or commissions are compensated on a per diem basis for not more than 100 days per calendar year.

(a.1) Return to State service during emergency.—When, in the

judgment of the employer, an emergency creates an increase in the work load such that there is serious impairment of service to the public, an annuitant may be returned to State service for a period not to exceed 95 days in any fiscal year without loss of his annuity. In computing the number of days an annuitant has returned to State service, any amount of time less than one-half of a day shall be counted as one-half of a day. For agencies, boards and commissions under the Governor's jurisdiction, the approval of the Governor that an emergency exists shall be required before an annuitant may be returned to State service.

(b) Subsequent discontinuance of service.—Upon subsequent discontinuance of service, such member other than a former annuitant who elected to eliminate the effect of his frozen present value in accordance with subsection (c) or a former disability annuitant shall be entitled to an annuity which is actuarially equivalent to the sum of the present value as determined under subsection (a) and the present value of a maximum single life annuity based on years of service credited subsequent to reentry in the system and his final average salary computed by reference to his compensation during his entire period of State and school service.

(c) Election to eliminate the effect of frozen present value.—

(1) If an annuitant who has not elected multiple service returns to State service and earns three eligibility points by performing credited State service following the most recent period of receipt of an annuity under this part and the present value of his annuity has been frozen in accordance with subsection (a), the former annuitant may elect to eliminate the effect of the frozen present value resulting from all previous periods of retirement by agreeing to return to the fund all payments under Option 4 and annuity payments payable during previous periods of retirement plus interest as set forth in paragraph (4) in the form of an actuarial adjustment to his subsequent benefits.

(2) A former annuitant who has not elected multiple service and chooses to eliminate the effect of his frozen present value must elect to do so in the fiscal year in which he first becomes eligible or in the following fiscal year. Only an active or inactive member on leave can elect to eliminate the effect of frozen present value.

(3) Upon subsequent discontinuance of service where a former annuitant has elected to eliminate the effect of the frozen present value under this subsection, that portion of the present value of his account upon which his annuity had been calculated shall no longer be frozen and he shall be entitled to an annuity calculated in accordance with the provisions of this part as then in effect, adjusted according to paragraph (4), provided that a former annuitant who retired under a provision of law granting additional service credit if termination of State service or retirement occurred during a specific period of time, shall not be permitted to retain the additional service credit under the prior law when the annuity is computed for his most recent retirement.

(4) In addition to any other adjustment to the present value of the maximum single life annuity that a member may be entitled to receive that occurs as a result of any other provision of law, the present value of the maximum single life annuity shall be reduced by all amounts payable to him during all previous periods of retirement plus interest on these amounts until the date of subsequent retirement. The interest for each year shall be calculated based upon the annual interest rate adopted for that fiscal year by the board for the calculation of the normal contribution rate pursuant to section 5508(b) (relating to actuarial cost method).

Amend Bill, page 4, line 21, by striking out all of said line and inserting:

Section 5. In relation to the amendment of 24 Pa.C.S. § 8346 and 71 Pa.C.S. § 5706, the following shall apply:

(1) Nothing in this act shall be deemed to permit the restoration of service credit or retirement benefits which were the subject of an order of forfeiture pursuant to the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension

Forfeiture Act.

(2) Former annuitants who elect to eliminate the effect of frozen present value do so with the specific understanding that they accept the terms and conditions of 24 Pa.C.S. Pt. IV and 71 Pa.C.S. Pt. XXV as it is upon their subsequent termination and do not retain any contractual rights to terms and conditions of 24 Pa.C.S. Pt. IV and 71 Pa.C.S. Pt. XXV, including, but not limited to, benefit formulas, accrual rates and eligibility, contribution rates, definitions, purchase of creditable school and nonschool provisions and actuarial and funding assumptions or provisions arising from any period of employment prior to final termination of service.

(3) Former annuitants who are active members and inactive members on leave who have earned at least three eligibility points since their most recent period of receipt of an annuity may elect to eliminate the effect of frozen present value during the school or fiscal year in which this act becomes effective, provided that the election is made prior to termination of service. Section 6. This act shall take effect as follows:

(1) The amendment of 24 Pa.C.S. § 8346 and 71 Pa.C.S. § 5706 shall take effect the July 1 next following the date of final enactment of this act.

(2) Section 6 of this act shall take effect the July 1 next following the date of final enactment of this act.

(3) 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 REREFERRED

SB 661 (Pr. No. 705) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for exceptions to the interception and disclosure of communications by inmates of correctional institutions.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 678 (Pr. No. 2103) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 683 (Pr. No. 1508) -- The Senate proceeded to consideration of the bill, entitled:

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

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—30

Afflerbach	Fisher	Lincoln	Reibman
Andrezeski	Fumo	Mellow	Rhoades
Belan	Greenleaf	Mowery	Schwartz
Bodack	Hart	Musto	Stapleton
Bortner	Jones	O'Pake	Stewart
Brightbill	Jubelirer	Pecora	Stout

Dawida	LaValle	Porterfield	Wenger
Fattah	Lewis		

NAYS—18

Armstrong	Holl	Punt	Shaffer
Baker	Lemmond	Robbins	Shumaker
Bell	Loeper	Salvatore	Tilghman
Corman	Madigan	Scanlon	Williams
Helfrick	Peterson		

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

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

SB 684 (Pr. No. 1509) — The Senate proceeded to consideration of the bill, entitled:

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

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—30

Afflerbach	Fisher	Lincoln	Reibman
Andrezeski	Fumo	Mellow	Rhoades
Belan	Greenleaf	Mowery	Schwartz
Bodack	Hart	Musto	Stapleton
Bortner	Jones	O'Pake	Stewart
Brightbill	Jubelirer	Pecora	Stout
Dawida	LaValle	Porterfield	Wenger
Fattah	Lewis		

NAYS—18

Armstrong	Holl	Punt	Shaffer
Baker	Lemmond	Robbins	Shumaker
Bell	Loeper	Salvatore	Tilghman
Corman	Madigan	Scanlon	Williams
Helfrick	Peterson		

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

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

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

HB 695 (Pr. No. 759) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 5, 1921 (P.L.389, No.187),

entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties," defining certain terms; further providing for the approval of weights, measures and devices; increasing penalties; and making editorial changes.

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—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 HB 695

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 695, Printer's No. 759, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, House Bill No. 695 will be rereferred to the Committee on Rules and Executive Nominations.

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

HB 697 (Pr. No. 761) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold or priced by weight; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

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—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 HB 697

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 697, Printer's No. 761, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, House Bill No. 697 will be rereferred to the Committee on Rules and Executive Nominations.

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

HB 698 (Pr. No. 762) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act of 1965, further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, for testing and for the sale and packaging of certain commodities.

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—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 HB 698

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 698, Printer's No. 762, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, House Bill No. 698 will be rereferred to the Committee on Rules and Executive Nominations.

BILL OVER IN ORDER

SB 820 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL REREFERRED

SB 926 (Pr. No. 1010) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1937 (P. L. 200, No. 51), entitled "Pawnbrokers License Act," further providing for application for license; providing for a hearing and license renewal; and further providing for license fees, for powers of the Secretary of Banking and for interest and charges.

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

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

SB 967 (Pr. No. 1064) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for additional suspensions for certain offenses.

Considered the 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—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 967

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 967, Printer's No. 1064, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 967 will be rereferred to the Committee on Rules and Executive Nominations.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore

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

NAYS—0

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

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

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 1011 (Pr. No. 1114) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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—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 1011

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1011, Printer's No. 1114, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 1011 will be rereferred to the Committee on Rules and Executive Nominations.

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

HB 1011 (Pr. No. 1712) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 7, 1982 (P.L.228, No.74), known as the Noxious Weed Control Law, further providing for the authority of the Noxious Weed Control Committee and for the imposition of a noxious weed control order against an individual property owner; and deleting a weed from the noxious weed control list.

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—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 HB 1011

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1011, Printer's No. 1712, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, House Bill No. 1011 will be rereferred to the Committee on Rules and Executive Nominations.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1193 (Pr. No. 1412) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," defining "eligible counties"; further providing for allocation of State moneys, for average realty transfer tax revenues and for weighted transfer tax revenues.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

BILL REREFERRED

SB 1213 (Pr. No. 1451) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21) entitled, as reenacted, "Liquor Code," further providing for the salaries of board members.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1214 (Pr. No. 1452) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), entitled "Liquid Fuels Tax Municipal Allocation Law," further providing for the expenditure of liquid fuels tax revenues by municipalities.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

SB 1227 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LINCOLN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator STEWART. Mr. President, very briefly, because of the hour, I just rise to remind some of the Members that this legislation contains the provision regarding legal opinions issued by the LCB to be binding on the State Police Liquor Control Enforcement officers, and I would urge an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEAS—41

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

NAYS—7

Helfrick	Madigan	Shaffer	Wenger
Holl	Mowery	Shumaker	

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

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

HB 1609 (Pr. No. 1817) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L.553, No.110), known as the Engineering School Equipment Act, further providing for reallocation of unused funds and for the expiration of the act.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate

has passed the same without amendments.

BILL OVER IN ORDER TEMPORARILY

HB 1709 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Peterson, and his legislative leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

SB 244 (Pr. No. 251) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Office of the Great Lakes within the Department of Environmental Resources and designating the office as the lead agency within State government for the development of policies, programs and procedures to protect, enhance and manage the Great Lakes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, Senate Bill No. 244 would establish an Office of the Great Lakes in Pennsylvania. This bill has been introduced for several Sessions now, and its purpose is to better coordinate and focus on existing programs and policies affecting Lake Erie. Presently, there are a number of different bureaus and divisions within the Department of Environmental Resources that deal with issues that affect Lake Erie. My bill would allow for a single office to better focus and coordinate these efforts without wasted duplication or lack of communication.

The Department of Environmental Resources has sent a letter supporting this legislation and the concept of this approach. Under this legislation, the Office of the Great Lakes would be designated as the lead agency for, quote, "the development of environmental and resource policies, programs and procedures to protect, enhance and manage the Great Lakes," unquote. The Office of the Great Lakes would also advise the Governor on issues affecting Lake Erie, such as shoreline erosion, fluctuations in lake levels, and improving water quality. This Office of the Great Lakes would also provide representation on the national level for the Commonwealth's Great Lakes interest.

Other duties provided under my legislation include assisting and promoting the wise use of the Port of Erie in promoting Great Lakes water transportation, encouraging adequate research to maintain the Commonwealth's regional contribution in solving Great Lakes' problems, and advocating Pennsyl-

vania's interest regarding actions or legislation proposed by other Great Lakes States.

Right now, Mr. President, we have many different approaches on many different levels to the many different problems impacting on Lake Erie and the Great Lakes. An Office of the Great Lakes would pull all of these resources together. When we look at Lake Erie as a fragile and unique ecosystem, we must realize that the time has passed for a shotgun approach to addressing environmental concerns. An Office of the Great Lakes would allow State government to speak with one voice and implement one comprehensive plan of action to protect and preserve Lake Erie.

I would point out that the fiscal note on this bill emphasizes that the cost of this coordination and better communication is minimal. I would also like to point out, Mr. President, that we sat here as a body, Senators from eastern Pennsylvania and western Pennsylvania and central Pennsylvania, and voted on a budget with a number of different line items to address similar issues in other parts of the State. For example, we appropriated \$235,000 for the Chesapeake Bay Study Commission. We appropriated \$125,000 for the Ohio River Valley Water Sanitation Commission. We appropriated \$73,000 for the Delaware River Master, \$9,000 for the Ohio River Basin Commission, and \$310,000 for the Susquehanna River Basin Commission. We also appropriated \$32,000 for the Interstate Commission on the Potomac River Basin, and \$897,000 for the Delaware River Basin Commission.

Mr. President, I am not asking for an appropriation, I am asking for a separate office to better coordinate and focus the State's programs and policies affecting Lake Erie. At this late hour, at quarter to 3:00, one might ask why I am standing, reading this speech, and I think the answer is quite evident, that there is not a majority of votes in this State Senate to pass this bill. I would like to point out that I do not serve Lake Erie alone as a State Senator, that we also have the gentleman from Mercer, Senator Robbins, who represents Lake Erie, and I would hope that he would be able to overcome his partisanship and vote on this issue. I would also like to point out that on the other side of this aisle are people who are running for Governor, or say they are running for Governor, and who will come up into northwestern Pennsylvania to tell everyone what they want to do and how they want to do it. And these same people who have sat on this Senate floor and have voted for a couple hundred thousand here and a couple hundred thousand there, I welcome them to come into northwestern Pennsylvania and explain how their partisanship has led them to say we can do something for the Susquehanna River, the Delaware River Basin, but we do not want to do anything for the people of northwestern Pennsylvania. I would remind my colleagues that many of the people who use Lake Erie, many of the over 3 or 4 million people a year who use Presque Isle State Park on Lake Erie, many of these people are also Republicans. The people who live along the shoreline, I would bet that the shoreline owners of Lake Erie, there are probably a lot more Republicans than Democrats who could benefit from having some coordinated effort by the State.

So, Mr. President, in conclusion, I would ask that perhaps on the other side there might be some change of heart at about 10 to 3:00 in the morning and that we could maybe stop this debate right now, or perhaps we could continue it in the future as other campaigns come up into northwestern Pennsylvania.

Thank you, Mr. President.

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

Senator ROBBINS. Mr. President, I think I will only share, briefly, the comment that since I got a portion of Erie County in December, I have found the people to be very nice people. They are people who are hard workers, and I have made known, as I have in the rest of my district, that I am a person who works with all groups and all people. And interestingly enough, today is the first that I was even made aware of this piece of legislation that apparently has been worked on for a long period of time. When I get back to the district and get to find out if any of my constituents are, in fact, interested in this and they are coming forward, I will be more than willing to talk to them, work with them, and become knowledgeable about this obviously important piece of legislation that deals with it, and I certainly would be glad to work with them and share that information, and I will be looking forward to having those people who are interested come to me to work with me so that in fact we can develop a consensus and work on this type of legislation.

Thank you, Mr. President.

The PRESIDENT. On the question, the Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, I would just like to point out for the record that this legislation in this Session was introduced on January 22, and my colleague who also represents Lake Erie had the same opportunity that all of us did, and that is to make themselves aware of what legislation is introduced in the Senate of Pennsylvania and to make themselves informed from that point.

I would also like to point out that it is a weak excuse to say, well, I will take a look at it later. You have a chance to do something now. You have a chance to stand up and vote for your district, for something that will affect the quality of Lake Erie water and our approach as to how we deal with the problems, and it is really unfortunate that we have to sit here in this Chamber and decide, well, we are not going to do this because we are going to be as partisan as we might want to be.

And with that, Mr. President, I would again ask that people try to reach a little bit above their partisanship in this Chamber and try to do things that will better the lives of people in Pennsylvania, and specifically the people whom they represent in their district.

Thank you.

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

Senator RHOADES. Mr. President, would Senator Andrezeski submit to brief interrogation?

Senator ANDREZESKI. I will, Mr. President.

The PRESIDENT. He indicates that he will. The gentleman

may proceed.

Senator RHOADES. Mr. President, there was mention with in the remarks something about Susquehanna and Delaware and all those other areas and the funding that they received. Could the Senator tell us where this money is or was or where he is identifying it coming from?

Senator ANDREZESKI. Mr. President, I used as my source the 1993-94 fiscal year General Fund budget. I used page 11 and page 12 of the printout.

Senator RHOADES. Mr. President, okay. In other words, Mr. President, that was in this past general appropriations bill?

Senator ANDREZESKI. Mr. President, this is June 1, 1993. It is the 1993-94 budget amounts.

Senator RHOADES. Mr. President, I would remind the gentleman that that was passed with a 25-24 vote, along party lines.

Thank you.

Senator ANDREZESKI. Mr. President, I would like to also point out that this is money that was spent in these districts.

The PRESIDENT. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I find the debate before us quite interesting, talking about cooperation and working together. I served the district that the gentleman from Mercer, Senator Robbins, serves now for a number of years and got very familiar with the Erie people and enjoyed working for them, and I will just share with you, for the record, seeing how we have personalized this debate tonight, I do not like to do this, normally, but I remember very vividly Mayor Tullio, one of the finest leaders Erie has ever had, and he told me that the next time that the gentleman from Erie, Senator Andrezeski, worked with him would be the first. I have had many county officials--

The PRESIDENT. Would the gentleman yield.

Senator LINCOLN. Mr. President.

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

Senator LINCOLN. Mr. President, this debate tonight, for as long as we have been here, has been kept really aboveboard, and that is totally uncalled for and I would ask you to rule those remarks out of order.

The PRESIDENT. The Chair agrees completely. There is absolutely no call for that particular type of debate, particularly at 7 till 3:00 in the morning. The gentleman's remarks are not in order.

The Chair would be pleased to recognize the gentleman, if he refrains from personal references to Senators.

Senator PETERSON. Mr. President, okay. We will just do it a little differently here then.

Being familiar with Erie, I worked closely with the county government there, I worked closely with the township officials there, I worked closely with the business leaders there, and there is a Senator from that region who has not historically worked with any of them, and he wants us--

The PRESIDENT. The gentleman is out of order. The Chair

is not going tolerate that kind of attack and does not find it particularly cute either.

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 244

BILL REREFERRED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 244, Printer's No. 251, just failed on final passage, and that the bill be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 244 will be rereferred to the Committee on Rules and Executive Nominations.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 7**

**NONPREFERRED APPROPRIATION BILL ON
CONCURRENCE IN HOUSE AMENDMENTS**

SENATE NONCONCURS IN HOUSE AMENDMENTS

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

An Act making appropriations to the Hahnemann University, Philadelphia.

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

Senator LINCOLN. Mr. President, this a nonpreferred appropriation to Hahnemann University in Philadelphia, and I move that we concur in House amendments to this bill.

The PRESIDENT. Senator Lincoln moves that the Senate do concur in amendments placed by the House in Senate Bill No. 759.

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 constitutional two-thirds majority having voted "aye," the question was determined in the negative.

RECONSIDERATION OF SB 759

NONPREFERRED APPROPRIATION BILL
ON CONCURRENCE IN HOUSE
AMENDMENTS RECOMMITTED

Senator LINCOLN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 759, Printer's No. 1354, just failed on concurrence in House amendments, and that the bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 759 will be recommitted to the Committee on Appropriations.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HB 143 (Pr. No. 1201) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Corrections, with the approval of the Governor, to convey to The Pennsylvania State University a tract of land situate in Benner Township, Centre County, Pennsylvania.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

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

THIRD CONSIDERATION CALENDAR

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 314 (Pr. No. 330) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey a tract of land situate in the Borough of State College, Centre County, Pennsylvania, to the Borough of State College.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 601 (Pr. No. 1534) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Secretary of Public Welfare and the Governor, to convey to The Association for Independent Growth, Inc., a tract of land situate in the City of Philadelphia, Philadelphia County.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HB 712 (Pr. No. 2293) -- 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 Secretary of Environmental Resources, to convey to the County of Northumberland, land situate in the City of Shamokin, Northumberland County, Pennsylvania and to convey to the Redevelopment Authority of Delaware County a tract of land situate in Darby Township, Delaware County, Pennsylvania; authorizing Millersburg Borough, Dauphin County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Act; providing for use of sale proceeds; 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
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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 1227 CALLED UP

SB 1227 (Pr. No. 1480) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 625 (Pr. No. 1469) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited school service.

On the question,
Will the Senate agree to the bill on third consideration?
Senator LINCOLN, by unanimous consent, offered the following amendment No. A3642:

Amend Title, page 1, line 3, by removing the period after "service" and inserting: and for retirement eligibility.

Amend Sec. 2 (Sec. 8312), page 2, line 9, by inserting a bracket before "June"

Amend Sec. 2 (Sec. 8312), page 2, line 9, by striking out the bracket before "1993"

Amend Sec. 2 (Sec. 8312), page 2, line 9, by inserting after "1993]": December 31,

Amend Sec. 2 (Sec. 8312), page 3, line 3, by inserting a bracket before "June"

Amend Sec. 2 (Sec. 8312), page 3, line 4, by striking out the bracket before "1993"

Amend Sec. 2 (Sec. 8312), page 3, line 4, by inserting after "1993]": December 31,

Amend Sec. 3 (Sec. 5308.1), page 4, line 7, by inserting a bracket before "June"

Amend Sec. 3 (Sec. 5308.1), page 4, line 8, by striking out the bracket before "1993"

Amend Sec. 3 (Sec. 5308.1), page 4, line 8, by inserting after "1993]": December 31,

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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 5

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1103 (Pr. No. 1259) — The Senate proceeded to consideration of the bill, entitled:

An Act mandating health insurance coverage of annual gynecological examinations and routine pap smears; and making repeals.

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN, by unanimous consent, offered the following amendment No. A2616:

Amend Sec. 4, page 3, lines 7 through 10, by striking out all of lines 7 through 9, "(2) Routine" in line 10 and inserting: routine

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

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

Senator CORMAN. Mr. President, this bill deals with health care in providing funds for annual gynecological examinations and routine Pap smears. This is an expensive piece of legislation. The cost of health care goes up constantly. It has not been sent to the Health Care Cost Containment Council. My amendment would try to shave some of those costs by providing for the routine Pap smear but would remove from the bill the annual examination.

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

Senator SCHWARTZ. Mr. President, I am not sure that was a full explanation of the amendment. My understanding of the amendment is that it would take out an essential part of this bill and essentially gut much of the meaning of it. So while the hour is late, I think that I will just briefly explain the situation here and possibly my colleagues, many of whom I recognize—most of whom—have not had the experience of having a Pap smear done and I do not want to get too graphic here, but the fact is that this bill would set requirements of insurance companies to pay for routine screening exams, Pap smears, and the exam in which they are done. Pap smears, in fact, are not something you do on yourself, by yourself. You need to have the exam done for not only practical and logistical reasons, but also for medical reasons. The examination itself, the bimanual exam, and the visualization of the cervix is an important part of cervical cancer screening. The amendment would essentially gut the meaning of the bill, which is really to get at cervical cancer, to assure that women in this State have access to cervical cancer screening. And I will just very briefly say, Mr. President, that for those who do not know it, 7,000 women die of cervical cancer in this country each year, that in 1989 there were 212 cervical cancer deaths in Pennsylvania. There were, during that same year, 658 new cases diagnosed. There are currently 3,331 women with cervical cancer in this State, and in a 5-year period from 1985 to 1989, 1,135 women died of cervical cancer.

What I can tell you, if you do not know, is that 9 out of 10 women can, in fact, be saved from cervical cancer through early detection. Cervical cancer can be detected through the expensive test of a Pap smear, but in fact without the GYN exam, it is a meaningless gesture to the women of Pennsylvania. I am not asking for a meaningless gesture; I am asking for an important gesture. And my colleagues have gone far in the fight against breast cancer in the Mammography Quality Assurance Act by assuring that insurance pays for mammography screening for women age 40 and above. Pennsylvania is a leader in the regard of breast cancer. I am asking you to give consideration to cervical cancer as well. It is a killer of women in Pennsylvania. I ask you to not gut the bill, to vote against the amendment offered by the gentleman from Centre, Senator Corman, and to vote instead for the bill as is, and to offer women an opportunity to, in fact, detect cervical cancer early and to survive the disease.

Thank you very much, Mr. President.

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

Senator HART. Mr. President, I rise, quickly, in support of the amendment. While I agree with the gentlewoman from Philadelphia, Senator Schwartz's concerns about women's health in the Commonwealth and across the country, I believe that balancing our health needs on the backs of insurance companies without any further study is an error. I support the amendment because I think that it is a compromise between the bill and doing nothing at all. I would encourage my colleagues to continue to study this issue, and I think that we all should take part in health insurance reform of some sort,

health care reform, but I do not believe at this time that this bill is in order in its present form, so I would encourage support for the amendment.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, let me just start by saying compromise is something that is worked out in some discussion. There was an opportunity to do that. And in addition, it is not particularly helpful to have gained 1 percent and lost 99 percent, so that is not what I would consider a compromise in this.

Let me also say that what we know we need to do in health care reform, and I have certainly been one who is considering and interested in comprehensive health care reform, is to move the health care system, and that includes the system of insurance coverage, towards prevention and primary care. We know the cost of treating cervical cancer in the early stages costs about \$200. Treatment for cervical cancer in the later stages is anywhere from \$40,000 to \$50,000. What we know is that this will actually save dollars, ultimately. We know that spending dollars upfront in health care for prevention and primary care will save dollars. If we do not start doing that now, if we continue to study what we already know, we will not only see more women dying of cervical cancer, we will see the health care system increasing its costs, increasing costs to consumers through insurance. Instead, what we should be doing is taking leadership, Mr. President, not just for women in Pennsylvania, but to set the example that we need to move towards early intervention and screening and primary care and start to save the Commonwealth of Pennsylvania and our citizens real dollars as well as real lives.

Thank you.

And the question recurring

Will the Senate agree to the amendment?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator CORMAN 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

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

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

Senator MADIGAN. Mr. President, would the gentlewoman from Philadelphia, Senator Schwartz, agree to interrogation?

The PRESIDENT. Will the gentlewoman from Philadelphia, Senator Schwartz, permit herself to be interrogated?

Senator SCHWARTZ. I will, Mr. President.

Senator MADIGAN. Mr. President, would the gentlewoman from Philadelphia, Senator Schwartz, tell me how self-insureds are treated under this legislation?

Senator SCHWARTZ. Mr. President, the current status for self-insureds is that they are not required to meet the mandates that we set in laws, and, in fact, it would not affect self-insureds at all.

Senator MADIGAN. Mr. President, thank you.

Would the gentlewoman tell me what the status of those who carry no insurance, women who carry no insurance, would be under this mandate?

Senator SCHWARTZ. Mr. President, it only covers those women who have insurance, so it would not, in fact, assist the women who do not have insurance.

Senator MADIGAN. Mr. President, thank you.

Mr. President, I would like to make a brief statement.

The PRESIDENT. The gentleman is so recognized.

Senator MADIGAN. Mr. President, I have been contacted by a number of individuals and many doctors concerned about the quagmire we started with the children's health program in which these people have no coverage and expect coverage when they enter the doctor's office, and the inability to collect from either self-insureds or anyone else for providing mandated coverage. I believe that at a time when we are looking at health care, we should look very carefully at adding additional mandates to the costs of our health care system.

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

Senator FUMO. Mr. President, I think the gentleman on the other side fails to recognize the cost savings of the issue. By doing these examinations and making sure that they get done on women, you are going to save money on the back end and they are not going to have to be hospitalized with diseases that you did not know about beforehand. And also, this is something currently available to Medicaid women anyway. So all we are talking about here is mandating, in effect, but basically

mandating insurance companies that are in this business and are doing quite well. None of them are going bankrupt. U.S. HealthCare — well, HMOs are already covered, but Blue Shield is not having any problems and they can afford it, and we are just trying to do something for the health of women. And there is a cost savings on the back end.

We all agree, I would hope, that preventive medicine is important, and this is just another way to do it. Say what you want, but this is actually going to be a cost savings in the long end, not to mention the savings in agony, pain, and possibly other problems that women are going to have by not getting this done. So there is a financial savings as well as an emotional and human savings.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah, and his legislative leave will be cancelled.

And the question recurring,

Shall the bill pass finally?

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

Senator FATTAH. Mr. President, I would concur, very briefly, with the Senator who just spoke, and I urge my colleagues, I mean, there are a lot of issues related here, not the least of which has to do with the future opportunity for pregnancy and for those of us who are concerned about the right to life and so forth and so on. I mean, this is very important, and as the father of a young daughter and someone who is well aware of the need for making sure that these provisions are available, I want to thank the prime sponsor of this bill, and I would encourage all of our colleagues who are concerned about bringing healthy children into the world and also supporting women's health care issues to vote in favor of this bill and vote against amendments that compromise it.

And the question recurring,

Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—40

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

NAYS—7

Armstrong	Holl	Madigan	Wenger
Corman	Loeper	Mowery	

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 1709 CALLED UP

HB 1709 (Pr. No. 2146) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Third Consideration Calendar, by Senator AFFLERBACH.

BILL ON THIRD CONSIDERATION AMENDED

HB 1709 (Pr. No. 2146) — The Senate proceeded to consideration of the bill, entitled:

An Act creating the IRC/Ben Franklin Partnership and providing for its powers; establishing the IRC/Ben Franklin Partnership Fund; providing for certification of industrial resource centers, for certification of Ben Franklin technology centers and for certain transfers; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART, on behalf of Senator O'PAKE, by unanimous consent, offered the following amendment No. A3545:

Amend Title, page 1, line 1, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Title, page 1, line 2, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Table of Contents, page 1, line 10, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Table of Contents, page 1, line 14, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 1, page 2, lines 15 and 16, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 2, page 4, line 29, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 3, page 5, line 27, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 3, page 6, line 15, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 3, page 6, lines 16 and 17, by striking out "IRC/Ben

Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 4, page 6, line 27, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 4, page 6, line 29, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 7, page 11, line 28, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 7, page 12, lines 12 and 13, by striking out ", are hereby appropriated out of the fund with the approval of the Governor" and inserting: must be annually appropriated by the General Assembly

Amend Sec. 8, page 12, line 14, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 8, page 12, line 16, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

Amend Sec. 21, page 20, line 6, by striking out "IRC/Ben Franklin" and inserting: Ben Franklin/IRC

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.

SENATE RESOLUTION NO. 7, CALLED UP

Senator LINCOLN, without objection, called up from page 12 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?

SENATE RESOLUTION NO. 7, ADOPTED

Senator LINCOLN. Mr. President, I move that the Senate do adopt Senate Resolution No. 7.

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

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION

SB 737 (Pr. No. 1484) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for watershed land.

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

HB 829 (Pr. No. 1180) — The Senate proceeded to consideration of the bill, entitled:

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

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

SB 889 (Pr. No. 972) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for voter registration forms to be given to high school graduates.

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

HB 1003 (Pr. No. 2134) — The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL OVER IN ORDER

SB 1089 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILLS ON SECOND CONSIDERATION

SB 1096 (Pr. No. 1252) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exceptions to the prohibition relating to hearing impairment devices.

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

SB 1101 (Pr. No. 1257) — The Senate proceeded to consideration of the bill, entitled:

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

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

SENATE RESOLUTIONS

**ESTABLISHING A SPECIAL COMMITTEE
TO EVALUATE THE CURRENT STRUCTURE
AND SYSTEM OF TAXATION IN
THIS COMMONWEALTH**

Senators PORTERFIELD, DAWIDA, LaVALLE, STEWART, BODACK, MUSTO, STOUT, SCHWARTZ, STAPLETON, SCANLON, PECORA, MELLOW, AFFLERBACH, BELAN and ANDREZESKI offered the following resolution (**Senate Resolution No. 68**), which was read, considered and adopted:

In the Senate, June 23, 1993

A RESOLUTION

Establishing a special committee to evaluate the current structure and system of taxation in this Commonwealth.

WHEREAS, The Senate finds that changing economic conditions, as well as actions by the Federal Government and decisions by the courts, have significant impact on the system of taxation in this Commonwealth; and

WHEREAS, The Senate recognizes the continued need for funding of the public education system to insure the economic and social well-being for individuals and businesses in this Commonwealth; and

WHEREAS, The Senate seeks a system of taxation which is straightforward, fair, efficient and reliable for school funding programs which the citizens of this Commonwealth demand; and

WHEREAS, The President pro tempore of the Senate shall appoint members to a special committee which shall consist of 12 members; and

WHEREAS, The committee shall evaluate the current structure and system of State and local taxation of school districts in this Commonwealth and develop legislation. All legislation developed shall include figures verified by the Department of Education and the Department of Revenue, and shall be submitted to the Senate Education Committee and the Senate Finance Committee; and

WHEREAS, The special committee shall consider the following:

(1) The simplicity of the taxes and the ability of individual taxpayers to easily understand and comply with them.

(2) Whether the tax burden is distributed fairly among taxpayers in terms of ability to pay and the relationship between benefits received and taxes paid.

(3) The reliability of taxes and whether their bases yield automatic growth and cyclical stability in revenues generated.

(4) The collection and enforcement costs associated with the various taxes and the ability to easily administer the taxes.

(5) The reduction and/or elimination of property and nuisance taxes; therefore be it

RESOLVED, That the Senate establish a special committee to evaluate the structure and system of taxation in this Commonwealth.

**PROCLAIMING THE MONTH OF OCTOBER AS
"DOMESTIC VIOLENCE AWARENESS MONTH"**

Senators HART, SCHWARTZ, JUBELIRER, FISHER, CORMAN, SHUMAKER, REIBMAN, WENGER, MADIGAN and PETERSON offered the following resolution (**Senate Resolution No. 69**), which was read, considered and adopted:

In the Senate, June 23, 1993

A RESOLUTION

Proclaiming the month of October as "Domestic Violence Awareness Month."

WHEREAS, At least 800,000 Pennsylvanians each year are victims of domestic violence; and

WHEREAS, According to FBI statistics, a woman is beaten every 18 seconds; and

WHEREAS, Battering is the single major cause of injury to women, exceeding rape, mugging and automobile accidents; and

WHEREAS, Over 20% of all United States homicides are committed by the victim's family members or boyfriend/girlfriend; and

WHEREAS, Sixty percent of batterers grew up in violent homes and half of all wife-beating cases also involve abuse of children; and

WHEREAS, Domestic violence cuts across all economic, educational, racial and religious lines; and

WHEREAS, While public awareness of the problem of domestic violence has increased in recent years, domestic violence remains a serious threat to the stability of our society; therefore be it

RESOLVED, That the Senate designate the month of October as "Domestic Violence Awareness Month."

RESOLUTION OFFERED

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

Senator LOEPER. Mr. President, I would like to offer the following resolution establishing a date on which the oath of office is to be administered to the Senator elected in the 10th Senatorial District.

The PRESIDENT. Senator Loeper asks for unanimous consent for the immediate consideration of a resolution.

Senator LINCOLN. Mr. President, I object.

The PRESIDENT. There being an objection, this resolution will be submitted to the appropriate committee.

CONSIDERATION OF CALENDAR RESUMED

SB 1190 CALLED UP

SB 1190 (Pr. No. 1503) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Final Passage Calendar, by Senator LINCOLN.

BILL OVER IN ORDER 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.

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I move that Senate Bill No. 1190 go over in its order.

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

Senator LOEPER. Mr. President, I would object to Senate Bill No. 1190 going over, in order that we may offer an amendment by the gentleman from Venango, Senator Peterson.

The PRESIDENT. Senator Loeper objects to the motion to put the bill over.

On the motion to take this bill over in its order, the Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I know the night is long. I know we have all had to deal with more issues than we can really mentally comprehend in this day, or maybe I should say this week, but I think this is one issue facing this Commonwealth that we should not go over. Our economic future is at stake; job opportunities are at stake.

The PRESIDENT. If the gentleman would yield.

Senator PETERSON. Pennsylvania has the highest corporate tax in the nation—

The PRESIDENT. The gentleman will yield.

We are dealing with the issue of whether to take the bill over in its order, and the Chair is not going to entertain a discussion of your amendment, in whatever fashion you intend to sneak it onto the floor.

The issue before the Senate is the motion to take this bill over in its order. On that motion, does the gentleman from Lebanon, Senator Brightbill, wish to be recognized?

Senator BRIGHTBILL. Mr. President, in order to assist me in voting on this motion, I was wondering if the gentleman from Venango, Senator Peterson, would stand for interrogation so that he could explain to me the basic overall content of his amendment.

The PRESIDENT. The interrogation is out of order.

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

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. You have already answered it, Mr. President.

The PRESIDENT. The Chair, with all due respect, indicates that the debate is limited to the substance of the motion itself, which is strictly on whether to take the bill over, and the Chair will not allow you to interrogate Senator Peterson so that he can display his amendment. We are not at that stage and we do not intend to get to that stage. Therefore, the gentleman's interrogation and the direction he was charting is out of order.

POINT OF INFORMATION

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

Senator LOEPER. Point of information, Mr. President.
 The PRESIDENT. The gentleman will state his point.
 Senator LOEPER. Mr. President, did the Chair just indicate or presuppose what the vote on this motion may be?
 The PRESIDENT. The Chair indicated that he presupposed what the interrogation was going to be.

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

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

YEAS—24

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

NAYS—24

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

The PRESIDENT. The vote on the motion, "ayes," 24; "nays," 24. The Chair exercises his constitutional prerogative to vote "aye." Therefore, the official vote is as follows:

YEAS—25

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

NAYS—24

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

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

The PRESIDENT. Senate Bill No. 1190 will go over in its order on final passage.

RECESS

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

Senator LINCOLN. Mr. President, I believe the only two pieces of business left before the Senate are the two Sup-

plemental Calendars we are waiting for, and I would ask for a brief recess of the Senate until those two particular issues are before us.

The PRESIDENT. The Senate will be in brief recess while we await the Supplemental Calendars and the bills.

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS
 SUPPLEMENTAL CALENDAR NO. 8

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION
 AND FINAL PASSAGE

SB 625 (Pr. No. 1535) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited school service, for retirement eligibility and for the termination of annuities.

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

On the question,
 Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

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

The PRESIDENT. The Chair thanks the interim President, Senator Stewart.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 9**

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1709 (Pr. No. 2369) -- The Senate proceeded to consideration of the bill, entitled:

An Act creating the Ben Franklin/IRC Partnership and providing for its powers; establishing the Ben Franklin/IRC Partnership Fund; providing for certification of industrial resource centers, for certification of Ben Franklin technology centers and for certain transfers; and making repeals.

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

On the question,
Shall the bill pass finally?

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

YEAS—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.

**UNFINISHED BUSINESS
COMMUNICATIONS FROM THE
ACTING GOVERNOR**

APPROVAL OF SENATE BILLS

The PRESIDENT 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 502, 503 and 686.

**NOMINATION BY THE ACTING GOVERNOR
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE REAL
ESTATE COMMISSION**

June 23, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Tarantino, Jr., 1030 Yellow Springs Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edmund C. Wideman, Jr., Kingston, deceased.

MARK S. SINGEL
Lieutenant Governor
Acting Governor

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 6, 41, 52, 696, 699 and 1416.**

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 1052.**

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 801, 864 and 893**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **House Concurrent Resolution No. 106.**

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Recess adjournment.

BILLS INTRODUCED AND REFERRED

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

June 23, 1993

Senator PORTERFIELD presented to the Chair **SB 1248**, entitled:

An Act amending the act of July 9, 1959 (P. L. 510, No. 137), entitled, as amended, "Pennsylvania Public Lands Act," further providing for the Board of Appraisers, for abandonment of applications and for patents for unappropriated lands.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 23, 1993.

Senators FISHER, ARMSTRONG, MOWERY, PETERSON, SHUMAKER and HART presented to the Chair **SB 1249**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for minimum number of school days.

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

Senator TILGHMAN presented to the Chair **SB 1250**, entitled:

An Act authorizing the Township of Lower Merion, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

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

**APPOINTMENTS BY THE
PRESIDENT PRO TEMPORE**

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

Senator Raphael J. Musto and Senator James J. Rhoades as members of the Mining and Reclamation Advisory Board.

**APPOINTMENT OF MEMBERS PURSUANT TO
SENATE CONCURRENT RESOLUTION NO. 9**

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

Senator Anthony B. Andrezeski, Senator Harold Mowery, and Senator Roxanne H. Jones as members of the Task Force to Study the Issues Surrounding Violence as a Public Health

Concern, pursuant to Senate Concurrent Resolution No. 9.

BILLS SIGNED

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

SB 687, 801, 864, 893, 970, 1052, 1098, HB 6, 27, 41, 52, 696, 699 and 1416.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Annabelle Dittbrenner by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Justka and to Gladys Riede by Senator Andrezeski.

Congratulations of the Senate were extended to Mack Broich by Senator Armstrong.

Congratulations of the Senate were extended to Joseph F. Sheldon by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Charles R. Melvin by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. John McGrane, Mr. and Mrs. Louis Flajnik and to Mr. and Mrs. Frank Reed by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Earl J. Groft, Mr. and Mrs. Earl Henry, Mr. and Mrs. Raymond Hertz, Jr., and to the Johann Daub Family by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Goss, Mr. and Mrs. Walter Downing, Jr., Mr. and Mrs. Jerome Decker and to Mr. and Mrs. Alfred J. Weaver by Senator Corman.

Congratulations of the Senate were extended to Joseph Kopper by Senator Dawida.

Congratulations of the Senate were extended to Othella R. Vaughn and to The CIGNA Corporation of Philadelphia by Senator Fattah.

Congratulations of the Senate were extended to Emily L. Berberick and to the Bethel Park Lions Club by Senator Fisher.

Congratulations of the Senate were extended to Kevin Hanrahan and to Emery Johnson by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Beuscher, Mr. and Mrs. Stanley Swatsky, Mr. and Mrs. George Skomsky, David R. Landis, Jr., Michael A. Brown, Ray Siko, Sr., and to Mr. and Mrs. Norman L. Howard by Senator Helfrick.

Congratulations of the Senate were extended to Jonathan Ruth, Jeffrey A. Menaker, Joshua Daniel Rolph, Andrew W. Garver, Stephen N. Sague, Randolph H. Riegner and to Shane Michael McCloskey by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Chalmer Kegg, Mr. and Mrs. George F. Troxell, Mr. and Mrs. Paul Beiswenger, Mr. and Mrs. Robert W. Harten, Mr. and Mrs. Will Thomas, Mr. and Mrs. Sam Pennell, Mr. and

Mrs. Berlyn Cutchall, Mr. and Mrs. Harold Nave, Mr. and Mrs. Orlando Bower and to Dr. Dale E. Heller by Senator Jubelirer.

Congratulations of the Senate were extended to The ARC Beaver County Chapter, Incorporated of Monaca by Senator LaValle.

Congratulations of the Senate were extended to William Weitzmann and to Reverend H. James Shillabeer by Senator Lemmond.

Congratulations of the Senate were extended to Matthew A. Bodziak and to Donald D. Filtz by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. John B. Finnerty, Mr. and Mrs. Myron William Miller, Mr. and Mrs. Herbert Kiederling, Mr. and Mrs. Edward S. Little, Mr. and Mrs. Fred Walker, Mr. and Mrs. Harry Marshall Hoffa, Mr. and Mrs. Issac C. Koch, Mr. and Mrs. Charles A. Kent, Mr. and Mrs. Albert J. Zwisle, Mr. and Mrs. Carl L. Cohick, Sr., Mr. and Mrs. Frederick A. Messner, Kathryn Horton and to Shawn O'Donnell by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Milewski and to Benjamin Wade Boor by Senator Mellow.

Congratulations of the Senate were extended to James E. Grandon, Jr., Lester Brubaker and to Eleanor Sloppy by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. John Raggi, Mary Ann Bittenbender, Trooper George P. Hlavac, Shirley Judge, John Pokladowski, Trooper Richard C. Mazurkiwecz and to Margaret Ducey by Senator Musto.

Congratulations of the Senate were extended to the Wyomissing High School Varsity Baseball Team and to Birdsboro Community Library by Senator O'Pake.

Congratulations of the Senate were extended to Sevilla L. Seidel by Senator Pecora.

Congratulations of the Senate were extended to Mr. and Mrs. Julian Piercy, Joan Bohin and to the Jefferson County Housing Authority of Punxsutawney by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Vernon Orner, Mr. and Mrs. Paul Keyser and to Jeremy and Stephanie Niehenke by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Fitzgerald, Corporal James D. Whalen, Christopher M. Rice and to the American Forces Network by Senator Rhoades.

Congratulations of the Senate were extended to Leonard Phillip Sonoga by Senator Robbins.

Congratulations of the Senate were extended to Alma Stanton by Senator Salvatore.

Congratulations of the Senate were extended to Donna J. Campbell, Edythe Ford and to Gerald Klein by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Conner and to Mr. and Mrs. Paul Kapp by Senator Shaffer.

Congratulations of the Senate were extended to Holli Heffelfinger by Senators Shumaker and Mowery.

Congratulations of the Senate were extended to Andrew Falatic, Todd Probst, Dennis Gresh and to Jennifer Fornari by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. George A. Harper and to Mr. and Mrs. Charles Manion by Senator Stout.

Congratulations of the Senate were extended to Dr. and Mrs. Morton Silver by Senator Tilghman.

Congratulations of the Senate were extended to the Elizabethtown High School Boys Baseball Team by Senator Wenger.

Congratulations of the Senate were extended to Mack Bolden, Sr., by Senator Williams.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late John M. Metzger and to the family of the late Albert G. Klan by Senator Afflerbach.

POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Marian Anderson was extended to Union Baptist Church by Senator Fattah.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bortner, and his temporary Capitol leave will be cancelled.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, I move that the Senate do now recess to the call of the President, with the editorial that that will be approximately 1:30.

The PRESIDENT. On the motion to recess, all those in favor say "aye"; all those opposed, "no." The "ayes" have it, and the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Vincent J. Fumo) in the Chair.

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

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I would like to first enter for the record some remarks of the gentleman from Blair, Senator Jubelirer, who is offering these remarks for the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Blair, Senator JUBELIRER:)

Mr. President, on July 13, there will be a special election held in the 10th District of Bucks County. While we deplore the partisan politics that have left the seat unrepresented for so long, the day of decision is drawing near.

At the start of today's session, an adjournment resolution was passed by the Democratic majority--over our protest--setting the reconvening of the Senate for November 22nd.

We do not believe that the victor of the special election--regardless of party--should have to wait until Thanksgiving week to be sworn in. The district has suffered the indignity of a Senate vacancy for too long.

The resolution we have introduced calls for a swearing-in to be held one week after the appropriate documents have been filed by the senator-elect and the Bucks County Board of Elections. That means by the end of July.

There certainly is precedent for a special swearing-in, as was the case with Senator Fumo in August, 1981.

Once the election is over, the business of representing the people should begin immediately. This resolution provides the fair and prompt action the people of Bucks County deserve, so they are again fully represented in the Senate of Pennsylvania.

Senator CORMAN. Secondly, Mr. President, I would like to say that this extended evening of June 23 has been a very interesting evening. It marks the 36th anniversary of the marriage of my wife and I, and also in the process of the evening, I became a grandfather for the seventh time, with a grandson named after me, Matthew Doyle Erlichman. So it was certainly a very interesting and productive evening in many different ways.

Thank you, Mr. President.

The PRESIDING OFFICER. Probably more productive than most of ours, and to think I worry about turning 50.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 248**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

PETITIONS AND REMONSTRANCES

(Continued)

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

Senator LINCOLN. Mr. President, I would like to offer my congratulations to the gentleman from Centre, Senator Corman, to have such a wonderful day - his wedding anniversary and to have a grandson. I think a lot of things happened here yesterday that may not be remembered, either in a good light or a bad light, although I think it was a very productive day and I think there was a lot of cooperation between the parties

that were involved. A lot of the partisanship was set aside yesterday, but I think that the experience of a grandchild and a wedding anniversary probably make the day one that Senator Corman will remember a lot longer than for what we did here during the day and the night yesterday, and I just want to offer my congratulations.

The PRESIDING OFFICER. The Chair thanks the gentleman.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 263, 1018 and 1047**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 84, 678, 712, 986, 1340 and 1709**.

The PRESIDING OFFICER. The Chair notes the presence on the floor of the Lieutenant Governor/Acting Governor, and would remind him of a saying from Jimmy Durante, "Everybody wants to get into the act."

The Chair will now relinquish the Chair to the Honorable Mark Singel.

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

SPECIAL ORDER OF BUSINESS GUESTS OF THE PRESIDENT, MARK S. SINGEL, PRESENTED TO THE SENATE

The PRESIDENT. The Chair wishes to announce that in the Senate Chamber today we have three very special guests. First, I have my daughter, Allyson Jean Singel, who is with us; and my niece, whose name is Amy Dominguez; and my wife, Jackie Singel, is here.

Will the Senate please join me in welcoming the guests to the Chamber of the Senate of Pennsylvania.

(Applause.)

BILLS SIGNED

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

SB 263, 1018, 1047, HB 84, 85, 143, 678, 712, 986, 1009, 1010, 1281, 1340, 1609 and 1709.

PETITIONS AND REMONSTRANCES

(Continued)

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

Senator FUMO. Mr. President, first, I, too, would like to

congratulate the gentleman from Centre, Senator Corman, on his anniversary and the birth of his new grandchild. As I said when I was sitting in the Chair, he certainly had a much more productive night than anyone else here.

In addition, Mr. President, I would like to thank the Chair for doing such an excellent job during these last few trying days. They were long hours, at times heated, and I think the Chair conducted himself admirably in keeping the Senate in order and calm and getting as much work done as we did.

Mr. President, lastly, I would like to thank all the staff people, particularly my Committee on Appropriations staff--of which I am, of course, partial to--for being here last night with us until 5:00 in the morning, and all the other staffs of the Senators - the gentleman from Fayette, Senator Lincoln's staff, the gentleman from Lackawanna, Senator Mellow's staff, the leadership people and all the other staffs who were here most of the night. Without their untiring effort, we would not be able to get anything completed.

As we close this Session for the extended summer recess, I hope that everyone has a very good, healthy, and happy summer, and that we will meet back here in good health and good will when we come back on November 22, I believe it is.

And with that, Mr. President, I would make a motion that we adjourn.

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

Senator BELL. Mr. President, it is now shortly after noon on June 23, I believe, or 24.

You know, it is interesting, as we started this long Session, the gentleman from Philadelphia, Senator Fumo, asked, can you count? And I am going to end this long Session and ask, can you count?

Senator FUMO. Mr. President, I would respond to the gentleman by saying, yes, I can, and I am so happy the Lieutenant Governor is with us.

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

Senator CORMAN. Mr. President. I would like to thank my colleagues, the gentleman from Philadelphia, Senator Fumo, and the gentleman from Fayette, Senator Lincoln, for their kind remarks and to praise all of my colleagues on both sides of the aisle. I think it was a very, very long night with a lot of arduous tasks to get accomplished, and I think we all worked very well to try to accomplish things as best as we could for the Commonwealth of Pennsylvania.

Thank you.

ADJOURNMENT

Senator FUMO. Mr. President, I move that the Senate do now adjourn until Monday, November 22, 1993, at 2 p.m., Eastern Standard Time.

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

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

YEAS—24

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

NAYS—24

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

The PRESIDENT. The vote on the motion, "ayes," 24; "nays," 24. The Chair exercises his prerogative to vote in the affirmative. Therefore, the official vote is as follows:

YEAS—25

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

NAYS—24

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

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

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