

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, DECEMBER 13, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 48

### SENATE

MONDAY, December 13, 1993

The Senate met at 2 p.m., Eastern Standard Time.

The PRESIDING OFFICER (Senator John J. Shumaker) in the Chair.

### PRAYER

The Chaplain, Rabbi SHMUEL PEWZNER, of Chabad Lubavitch Synagog, Harrisburg, offered the following prayer:

Almighty God, Master of the universe, bless the Members of this august body who represent the people of our Commonwealth of Pennsylvania. We ask also for Your blessings for our Governor, Robert P. Casey. We pray that You guide this body in its task to protect and defend the welfare of the citizens of our State.

It is particularly fitting that we stand before You, Almighty God, in this week in which Jewish people all over the world celebrate Hanukkah, when the spirit of freedom prevailed over the swords of oppression, when the dignity of humanity prevailed over the ruthlessness of plunder, when hope and peace prevailed over despair and adversity, that our courageous leaders, who beheld this miraculous turn of events, kindled a menorah candelabra and suddenly the times of darkness gave way to the lights of rebirth and renewal. For generations, the menorah has not only served as an ornament of history, but more so as a poignant symbol with a universal message. It calls out to the hearts and souls of all peoples and proclaims: Let there be goodness. Let there be peace. Let there be freedom. Indeed, let there be light.

Just as a small ray of light can dispel much darkness, our part in creating a world of good can be as simple as one good deed. Let us illuminate the darkness by shedding light upon the world. This is the message of the menorah lights: Lights of hope, lights of freedom, lights of unity, lights for us all, lighting up the world until it becomes a world of good.

Dear God, we pray that You grant every legislator good health, happiness, peace of mind and tranquillity, and they be given the wisdom, understanding, and sensitivity to fulfill the important tasks bestowed upon them by the citizens of this great State. Amen.

The PRESIDING OFFICER. The Chair thanks Rabbi Pewzner, who is the guest today of yours truly, Senator Shumaker.

### JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 8, 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 BILL

The Clerk of the House of Representatives returned to the Senate **SB 570**, with the information the House has passed the same without amendments.

#### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 705**, 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 XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

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

#### 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:

December 10, 1993

**HB 370** -- Committee on Banking and Insurance.

**HB 490** -- Committee on Game and Fisheries.

**HB 849** and **1759** -- Committee on Urban Affairs and Housing.

**HB 868** -- Committee on Local Government.

#### HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

December 13, 1993

**House Concurrent Resolution No. 206** — Committee on Intergovernmental Affairs.

### BILLS INTRODUCED AND REFERRED

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

December 8, 1993

Senator ARMSTRONG presented to the Chair **SB 1458**, entitled:

An Act providing for civil liability relating to equine activities, for exceptions thereto and for the posting and furnishing of certain notices.

Which was committed to the Committee on JUDICIARY, December 8, 1993.

Senators BRIGHTBILL, O'PAKE, REIBMAN, ROBBINS, WENGER and SCHWARTZ presented to the Chair **SB 1459**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions and for State and local administration and enforcement.

Which was committed to the Committee on TRANSPORTATION, December 8, 1993.

Senator BELL presented to the Chair **SB 1460**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," providing for a local option.

Which was committed to the Committee on STATE GOVERNMENT, December 8, 1993.

December 10, 1993

Senators JUBELIRER, JONES, HELFRICK, REIBMAN, LAVALLE, PUNT, BRIGHTBILL, CORMAN, MUSTO, O'PAKE, SALVATORE, WENGER, SCHWARTZ, HECKLER, SHUMAKER, TILGHMAN and BELAN presented to the Chair **SB 1461**, entitled:

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

Which was committed to the Committee on JUDICIARY, December 10, 1993.

### BILLS SIGNED

The PRESIDENT pro tempore (Robert J. Mellow) in the presence of the Senate signed the following bills:

**SB 570, SB 1193 and HB 1692.**

### REPORTS FROM COMMITTEE

Senator DAWIDA, from the Committee on Finance, reported the following bills:

### SB 1443 (Pr. No. 1750)

An Act amending the act of March 4, 1971 (P.L. 6, No. 2), entitled (Tax Reform Code of 1971), further providing for limited tax credits effective period.

### HB 906 (Pr. No. 2889)

An Act requiring timely payment to certain contractors and subcontractors; and providing remedies to contractors and subcontractors.

### HB 1679 (Pr. No. 2737)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Judiciary to meet during today's Session to consider Senate Bill No. 794.

### LEGISLATIVE LEAVES

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

Senator BODACK. Mr. President, I would at this time ask for a legislative leave for Senator Fattah.

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

Senator LOEPER. Mr. President, I would request a legislative leave for Senator Madigan, and a temporary legislative leave for Senator Salvatore.

The PRESIDENT pro tempore. Senator Fattah and Senator Madigan will be placed on legislative leave. Senator Salvatore will be placed on temporary legislative leave. Without objection, the leaves will be granted.

### LEAVES OF ABSENCE

Senator BODACK asked and obtained leave of absence for Senator SCANLON, for today's Session, for personal reasons.

Senator LOEPER asked and obtained temporary leave of absence for Senator HELFRICK, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

### RECESS ADJOURNMENT

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

In the Senate, December 13, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 4, 1994, 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 Tuesday, January 4, 1994, 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?

**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—46**

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

**NAYS—2**

Greenleaf      Holl

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  
GUEST OF SENATOR H. CRAIG LEWIS  
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks County, Senator Lewis, for the purpose of an introduction.

Senator LEWIS. Mr. President, I am delighted to introduce to my colleagues a Bucks Countian who is taking this occasion to learn more about the operation of his government. Vincent Stephanie has been a Bucks County resident for 27 years. He is a World War II Army veteran, and the father of three children. He is employed by U.S. Health Care in Montgomery County, and he is here because he expressed an interest in having the chance to see government operating on a firsthand basis and took advantage of the availability of the opportunity to serve as a Page for the day. I think it is important for us to note that although we have students who often are delighted and excited to be here in that role, here is an adult who has been a significant member of our community for many, many

years who has decided that he, too, wants to use this unique opportunity to learn about our government.

Mr. President, would the Chair please welcome Vincent Stephanie here for this extraordinary experience, a Bucks Countian who displays the commitment to government that I know everyone in this room has come to expect from all of us from that wonderful place in this Commonwealth.

The PRESIDENT pro tempore. The Chair thanks Senator Lewis, and I would ask Vince if he would kindly stand so we could acknowledge his presence and say welcome.

(Applause.)

The PRESIDENT pro tempore. And thank you for participating.

**RECESS**

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

Senator LINCOLN. Mr. President, at this time, I would like to call for a recess of the Senate for the purpose of a caucus, with the hope of returning to the floor by 4:30 p.m.

The PRESIDENT pro tempore. Does the gentleman from Blair, Senator Jubelirer, want to make the same request?

Senator JUBELIRER. Mr. President, I, too, would echo the comments of the gentleman from Fayette, Senator Lincoln, and ask that the Members of the Republican Caucus report to the caucus room to the rear of the Senate Chamber immediately upon the recess of the Senate.

The PRESIDENT pro tempore. Senator Jubelirer and Senator Lincoln have both requested a recess of the Senate for the purposes of holding caucuses. The Republican caucus will be held in the rear of the Senate, and the Democratic caucus will be held in room 461.

Senator LINCOLN. Thank you, Mr. President.

The PRESIDENT pro tempore. The Senate shall stand in recess.

**AFTER RECESS**

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

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

**CALENDAR**

**NONPREFERRED APPROPRIATION BILL ON  
CONCURRENCE IN HOUSE AMENDMENTS**

**BILL OVER IN ORDER**

**SB 759** -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

**BILL OVER IN ORDER**

**SB 248** — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

**LEGISLATIVE LEAVE CANCELLED**

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

**LEGISLATIVE LEAVE**

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

Senator JUBELIRER. Mr. President, I would request a legislative leave for the remainder of today's Session for Senator Loeper.

The PRESIDENT. Senator Jubelirer requests a legislative leave for Senator Loeper. The Chair hears no objection. That leave will be granted.

**CONSIDERATION OF CALENDAR RESUMED**

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 860 (Pr. No. 1723)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for dissemination of telephone numbers and other identifying information.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 860.

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

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

**YEAS—48**

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

**NAYS—0**

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

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

**LEGISLATIVE 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 Jones.

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

**CONSIDERATION OF CALENDAR RESUMED**

**FINAL PASSAGE CALENDAR**

**RECONSIDERATION OF HB 353**

**BILL ON THIRD CONSIDERATION AMENDED**

**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.

On the question,  
Shall the bill pass finally?

**RECONSIDERATION OF HB 353**

Senator LINCOLN. Mr. President, I move that the vote by which House Bill No. 353 passed third consideration be reconsidered.

The motion was agreed to.

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

Senator DAWIDA, by unanimous consent, offered the following amendment No. A4691:

Amend Bill, page 7, by inserting between lines 18 and 19:

Section 2. The definition of "basic cost of cigarettes" in section 202-A of the act, added July 2, 1993 (P.L.250, No.46), is amended to read:

Section 202-A. Definitions.—As used in this article—

"Basic Cost of Cigarettes" shall mean the [invoice cost of cigarettes to the dealer, or the replacement cost of cigarettes to the dealer, within thirty days prior to the date of sale in the quantity last purchased, whichever is lower, less all trade discounts and customary discounts for cash, but excluding any special, extraordinary or anticipatory discounts for payment within a shorter period of time than the customary discounts for cash,] manufacturer's list price to which shall be added the full face value of any tax which may be required by law, if not already included in the manufacturer's list price. Manufacturer's list price shall mean the gross price of the cigarettes from the manufacturer to the dealer in the quantities stated and shall include any Federal tax, freight or handling charges, if not already included.

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Section 3. The act is amended by adding sections to read:  
Amend Sec. 2, page 9, line 16, by striking out "2" and inserting:

4 Amend Sec. 3, page 11, line 9, by striking out "3" and inserting:

5 Amend Sec. 4, page 11, line 23, by striking out "4" and inserting:

6 Amend Sec. 5, page 16, line 10, by striking out "5" and inserting:

7 Amend Sec. 6, page 17, line 24, by striking out "6" and inserting:

8

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

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

Senator DAWIDA. Mr. President, I believe this amendment was agreed to. This is to clarify an error made by the Revenue Department on a bill that we unanimously passed.

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

It was agreed to.

The PRESIDENT. House Bill No. 353 will go over in its order, as amended.

#### LEGISLATIVE LEAVE

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

Senator JUBELIRER. Mr. President, I request a legislative leave for Senator Armstrong for the remainder of today's Session.

The PRESIDENT. Senator Jubelirer asks for a legislative leave for Senator Armstrong. The Chair hears no objection. That leave will be granted.

#### FINAL PASSAGE CALENDAR RESUMED

##### RECONSIDERATION OF SB 1011

##### BILL OVER IN ORDER

**SB 1011 (Pr. No. 1114)** -- Senator LINCOLN. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

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

Senator LINCOLN. Mr. President, I move that we go over Senate Bill No. 1011 in its order.

The PRESIDENT. Senator Lincoln moves that Senate Bill No. 1011 go over in its order. Without objection, the bill will go over in its order.

#### THIRD CONSIDERATION CALENDAR

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

**HB 659 (Pr. No. 2890)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for the jurisdiction of the coroner; providing authorization to certain counties and cities for creation of the Allegheny Regional Asset District as a special purpose areawide unit of local government; creating a governing board for the district; authorizing the district to finance and support civic, recreational, library, sports and other regional assets; empowering the district to issue bonds and notes; authorizing the district to enter into intergovernmental cooperation agreements regarding regional assets; authorizing the imposition of an additional tax on the sale and use of tangible personal property and services; creating a fund; providing for use of the revenues generated by the additional tax; providing for reduction of local taxes; 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?

##### RECONSIDERATION OF HB 659

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

Senator HART. Mr. President, I ask unanimous consent to offer an amendment to House Bill No. 659.

The PRESIDENT. The Chair apologizes to the gentlewoman. We have already taken this to final passage. Do I understand that she wishes to move that the vote by which House Bill No. 659 be passed on third consideration be reconsidered?

Senator HART. I would make that motion, Mr. President.

The PRESIDENT. Senator Hart moves that the vote by which House Bill No. 659 passed on third consideration be reconsidered.

The motion was agreed to.

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

##### AMENDMENT NO. A 4931 OFFERED

Senator HART, by unanimous consent, offered the following amendment No. A4931:

Amend Title, page 1, line 15, by inserting after "SERVICES": , subject to approval by the voters in a countywide referendum

Amend Sec. 2 (Sec. 3156-B), page 23, lines 24 through 30; page 24, lines 1 through 5, by striking out all of lines 24 through 30, page 23; all of lines 1 through 4, page 24, "MAY BE ADOPTED" in line 5 and inserting:

Section 3156-B. Procedure and Administration.—(a) The governing body of the county, in order to impose the tax authorized by section 3152-B, must comply with the procedures set forth in this section:

(1) The governing body of the county must, by ordinance or resolution, cause an election to be held on the question of whether the tax authorized by section 3152-B should be imposed.

(2) The question on the ballot must specify the proposed tax rate and explain how the revenue from the proposed tax is to be used. The county must frame the question to be placed on the ballot in clear layperson's language. A nonlegal interpretative statement must accompany the question.

(3) Within five (5) days after the ordinance or resolution is adopted, a certified copy of the ordinance or resolution and a copy of the ballot question under paragraph (2) must be filed with the county board of elections.

(4) At the next general or primary election occurring not less than the 13th Tuesday after the filing of the ordinance or resolution under paragraph (3), the board must cause the question filed by the authority to be submitted to the electors of the county as other questions are submitted under the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(5) A majority of the electors must vote in favor of the question submitted under paragraph (4). If a majority of the electors vote in favor of the question, the governing body of the county, notwithstanding any provision of law to the contrary, may impose the tax

On the question,

Will the Senate agree to the amendment?

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

Senator HART. Mr. President, this is an amendment to a bill which actually was a House bill dealing with coroners which was just amended in committee this past Session week. This is a proposal that many people in the Commonwealth are probably not familiar with because it really only affects the county in which I live, and that is Allegheny County. My five other colleagues here in the Senate who represent Allegheny County have heard plenty of, I guess, discussion regarding this bill.

This proposal is basically an idea to fund regional assets of southwestern Pennsylvania via a 1-percent sales tax imposed on Allegheny County residents. The tax is a sales tax, as I said, and it is something that has really been a cause for much concern among my constituency. I offer this amendment because of that very concern. The bill was proposed, it was conceptualized, by an organization called the Allegheny Conference, which is composed of many civic leaders in the Pittsburgh region. These people came up with a proposal that I think has quite a bit of merit. I do, however, have a concern about how it will impact my constituency. As evidenced by the contact that I have had with my constituents over the past week regarding this, I feel it is important to offer this amendment.

My amendment would simply require that if this enabling legislation is passed to allow Allegheny County Commissioners to impose this 1-percent sales tax, then simply the voters within Allegheny County will have the opportunity, by referendum, to approve that move by the county commissioners. That is, the final say will be left with our constituents, who up to this moment have had little opportunity to participate in the process.

I would urge my colleagues to support this referendum. I think it is a very fair move and a consideration that will affect many of them economically.

Thank you, Mr. President.

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

Senator FISHER. Mr. President, I reluctantly rise to ask for a negative vote on the amendment. This legislation provides enabling legislation for the commissioners in Allegheny County to create an Allegheny Regional Asset District, a district which I personally believe, as do many of my constituents, is very important to preserve the economic vitality of our region, not just Allegheny County but all over southwestern Pennsylvania. The legislation is crafted in such a way that although we authorize the creation of the district and we authorize the implementation of the 1-percent additional sales tax, similar to what was done in the city of Philadelphia a couple of years ago, the actual implementation of that 1-percent additional sales tax will be made by the county commissioners. It will be made within a 60-day period after the effective date of the act. The act also provides that the commissioners will be required to hold a public hearing where the residents of Allegheny County who are interested in the issue will have an opportunity to testify and present their views.

Mr. President, this is really not much different than any of the tax legislation that is considered in this General Assembly. In fact, with the fact that the commissioners are the ones who actually set the levy, there is an additional layer of protection for the citizens of Allegheny County, together with the public hearing.

Mr. President, this is a very important issue for the residents of Allegheny County. It is a very important issue for southwestern Pennsylvania. It has been discussed. It was an issue that was before the House in 1991. I give a lot of credit to the private/public partnership which has worked to put this Allegheny Regional Asset District concept together. There has been a lot of thought given to it, and I believe there has been a lot of discussion. But I also believe it is time for us to give the Allegheny County Commissioners an opportunity to move forward, to move forward in a fashion that they will determine after the public hearing process.

And for those reasons, Mr. President, I would ask for a negative vote on the Hart amendment.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I would like to thank the gentleman from Allegheny, Senator Fisher, for the intelligent approach that he has taken to this particular issue. I do not live in Allegheny County. I live outside of Allegheny County, and my constituency is going to pay the same 1-percent sales tax as the constituents of the gentlewoman from Allegheny, Senator Hart. But her amendment says that the Allegheny County voters are the ones who could make the decision as to whether Washington County, Fayette County, Greene County, Butler County, Beaver County, all the counties around that support

the Pirates, and the Steelers, and the zoo, and Benedum, and Heinz Hall, and all the magnificent, beautiful things that we have in a small city like Pittsburgh, that all this bill is trying to do is allow those particular, wonderful things that we have in western Pennsylvania to continue.

Also, I would say to the gentlewoman from Allegheny, Senator Hart, that when she went and put her name on the ballot and went to 250,000 people living in her Senate district, she was saying to them, I am very capable of making the kinds of decisions that I will be facing in the General Assembly. You have confidence and you have faith in me, and you sent me to Harrisburg to make the hard decisions that will represent your best interests. I am saying that the referendum is a cop-out. It is an easy way to either get out of voting for the bill if this amendment goes down, or it is a way to go back and address those few constituents who cannot see the beauty of what is taking place in Allegheny County.

I want to tell you, my first reaction, because we were not even given the consideration and the courtesy of having this amendment given to us until nearly the end of our caucus, it sounds to me like it was one of those ideas that came up at the last minute that, oh, it would probably be a good idea. One of the reasons why we are having problems in this country today is because we are having a difficult time, as elected officials, making good, hard, strong, responsible decisions. And I want to say to you that when I was handed that amendment, my first inclination was I am going to support it, because if anything would kill this bill quicker than this amendment, then I do not know what and where that might be. And I said, no, Bill, you cannot do that.

I was a 7-year-old kid and went in a 1947 Cadillac to see the Pittsburgh Pirates at the old place they played in, Forbes Field. My sons, ages 20 to 30 years old, have had the opportunity to go in to see the Pirates play in a brand new stadium that was built in 1969. They have had the opportunity to see the Steelers. They have gone to see the museum. Right now, even as adults, they are going to join me to go in and see the train set and everything else that we get to see up at Buhl Planetarium. How in God's name could anybody want to do something like this to this bill? I cannot, in good conscience, say to anyone in this room that they should support this amendment, knowing full well that it could very easily kill the bill. There are too many things at stake, not just in Allegheny County but for the 13-county region in southwestern Pennsylvania, that if you are at least going to make it a referendum, allow everybody to vote who is going to pay the 1-percent tax.

Believe me, if the gentlewoman from Allegheny, Senator Hart, does not believe that those of us who are not as sophisticated as those people who live in Allegheny County do not know how to get up to the mall in Monroeville, or the Miracle Mile, or North Hills, or the Century III, I would venture to bet that there are as many people from outside of Allegheny County who will pay this 1-percent tax for buying a suit of clothing, for buying a washer/dryer, for going to a movie, for going to a football game. If you want me to support the effort if this amendment fails, how can you say to me support it when you

are not even willing to give me an opportunity to have my constituency be a part of the referendum vote? Now, I think that is outrageous, I think it is silly, and it borders on being irresponsible, and I would ask for a resounding "no" on this particular amendment.

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

Senator HART. Mr. President, I feel the need to offer a little bit more information regarding this amendment. It appears to have been somewhat misunderstood by the gentleman from Fayette County, Senator Lincoln. The sales tax is going to be paid by anyone who happens to be in Allegheny County. That includes someone who may live in Germany, as well as someone who may live in Fayette County. It is logical, since it is a decision enabling Allegheny County Commissioners to impose the tax, that the referendum only takes place in Allegheny County. I understand that it will be paid by some residents outside the county, but there are plenty of people who will be much more often affected and more seriously affected by our statistics that 75 percent of the income will probably come from residents of Allegheny County.

I also want to rise regarding the suggestion that I am doing this as a last-minute ploy. I must tell you, Mr. President, that I did not come here to the Senate to make last-minute ploys. I came here to the Senate to carefully consider legislation that is introduced and goes through the committee process. This bill, however, did not. We did not have enough time to deal with this issue at home. My constituency is very alarmed by this bill. In fact, I have been contacted by the chambers of commerce in my district which are opposed to this bill and are concerned that retail in our area will be severely harmed by this. My district is very near the borders of Beaver, Butler, and Westmoreland Counties. Our retailers are in bad shape as it is, Mr. President. I think we should give those people the opportunity to deal with this issue via a referendum.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, anytime that I do not get an amendment in caucus and I come to the floor to deal with an issue, I wonder about when the amendment was drafted and where it came from, and I will probably be that way no matter whether it is the gentlewoman from Allegheny, Senator Hart, or one of my friends on this side of the aisle.

The other thing that amazes me is the gentlewoman from Allegheny, Senator Hart, evidently has had enough time to find out that 75 percent of the money that is going to be raised from this particular issue will come from Allegheny County residents and the other 25 percent, one quarter of every dollar, will come out of the pocket of someone who does not live in Allegheny County. But I wonder why she would not mention that 100 percent of the money that is being gathered will go back to Allegheny County communities. That sounds a little bit strange to me, that even if 75 percent is raised within that county, why do we not talk about the 25 percent going back

out into the hinterlands? Now, I do not want to do that because I know that is as irresponsible as this amendment.

The fact is that this is the first legitimate effort that I have seen to solve serious problems in an area where there is nowhere else to go. This is going to be a last stage of saving the Pittsburgh Pirates, and this could be the last stage in saving a zoo and all the other cultural programs that are put on within the city of Pittsburgh. I do not care what anyone says, I am willing to take any heat, I am willing to take whatever it takes for me personally and politically. I think this is a good idea, and I think a referendum would kill this bill completely, and I do not know what effect it would have if the vote was ever taken, but I would ask for a resounding "no" vote on this.

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

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

YEAS—20

Armstrong	Greenleaf	Lemmond	Rhoades
Baker	Hart	Madigan	Robbins
Bell	Heckler	Mowery	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Jubelirer	Punt	Wenger

NAYS—28

Afflerbach	Fisher	Mellow	Schwartz
Andrezeski	Fumo	Musto	Shaffer
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stinson
Dawida	Lincoln	Reibman	Stout
Fattah	Loeper	Salvatore	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.

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

On the question,  
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Fumo. That leave is granted, without objection.

And the question recurring,  
Shall the bill pass finally?

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

Senator BODACK. Mr. President, I would first like to thank the gentleman from Fayette, Senator Lincoln, for his assistance in this bill. It takes a lot of courage for a Senator from an adjoining county of Allegheny County to support a measure that is going to represent 25 percent of the tax revenue to Allegheny County citizens which will come from someplace other than Allegheny County. I think that it is a great plus for the Allegheny County residents to see that at least 25 percent of the revenue comes from outside of the county.

I would urge my colleagues, because of that, Mr. President, to support House Bill No. 659 as it has been amended. It is, quite frankly, very crucial to the future of Allegheny County and also to the city of Pittsburgh, and in Pittsburgh and Allegheny County it is considered our version of local tax reform.

Mr. President, this bill is about providing a reliable funding mechanism to protect our region's civic, recreational, library, sports, historical, and cultural world-class assets, and also the jobs that go with them. It is about eliminating Allegheny County's hated personal property tax. It is about slashing our city's unjustifiably high amusement tax from 10 percent to 5 percent, or below. It is about providing longtime senior citizen homeowners living on fixed incomes with relief from ever-increasing real estate taxes, and it is about the reduction of other inequitable tax burdens as well.

We do this, Mr. President, by giving Allegheny County the option, and that is all we are doing with this bill today is giving our county commissioners the option to implement a one penny on a dollar purchase local sales tax on nonessential items. As with the State sales tax, the purchase of food, clothing, prescriptions, and other necessities will be exempt from the 1-percent local sales tax. And a particular benefit to Allegheny County and its citizens is the fact that it will not just be paid by them. As I said, it is the tourists and the visitors to our region's many facilities and attractions who will share the burden every time they make a purchase.

Half of the new revenue that is generated from this 1-percent local sales tax, which is approximately \$50 million each year, will go toward providing a permanent local funding stream in order to repair, upgrade, and maintain Three Rivers Stadium, the Pittsburgh Zoo, the newly designated national aviary in Pittsburgh, the civic arena, the cultural district, the Carnegie Library system, and many other regional assets. Securing these key facilities, Mr. President, is imperative to Allegheny County's and our children's future. In addition to serving more than 10 million people each year, these Allegheny County assets employ 7,000 people. They generate tens of thousands of additional spin-off jobs in our area's tourism industry, and they promote and enhance our quality of life.

Meanwhile, the remaining \$50 million that is generated from implementation of a 1-percent local sales tax will be distributed to the county, the city, and our other municipalities for

further relief from local taxes. The county must use its estimated \$25 million share to eliminate the personal property tax and to provide for senior citizen and other tax relief. The city, with its estimated \$14.4 million share, must eliminate its personal property tax and cut the amusement tax by 50 percent. They do all of this, as well as provide for senior citizens and other tax cuts. Other municipalities must use two-thirds of the revenue that they receive to cut their local taxes. And these funds will be distributed on a revenue sharing basis so that our poorer communities will receive the largest share of the allocation.

What is more, the new \$50 million in funding for regional assets will free up millions of dollars currently allocated for these assets in Pittsburgh's and Allegheny County's budgets. That means that there will be more money to beef up police protection and to improve public safety and anti-crime efforts.

Mr. President, this proposal is about the elimination of unfair taxes. It is about long overdue tax relief for fixed income senior citizens, and it is about providing an equitable funding source in order to maintain and protect the valuable resources that today make my hometown a world-class cultural and economic center.

Mr. President, this bill is about building a brighter future for our children today and their children tomorrow. I urge an affirmative vote on this bill.

Thank you.

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

Senator JUBELIRER. Mr. President, I, too, rise in support of House Bill No. 659 and urge an affirmative vote on the bill. I say that, Mr. President, knowing full well that the issue of tax reform is going to be before us soon, at least I sincerely hope so. This is, I guess, some would call it tax reform. I would rather look at it as what it is, and that is a means to preserve the regional assets to which the gentleman from Allegheny, Senator Bodack, and the gentleman from Fayette, Senator Lincoln, have spoken, and I support that. Allegheny County, I believe, has tentacles out to all of western Pennsylvania, and coming from western Pennsylvania, we, too, are concerned that those assets be preserved, whether they be the Pirates, the Steelers, the museums, the libraries, the symphony. They affect all of at least western Pennsylvania, if not the whole State. And much as southeastern Pennsylvania and the county of Philadelphia has done, we are poised to pass an additional penny on the sales tax.

But, Mr. President, it must not stop there. Tax reform is still in need in the other 65 counties, and as we are poised to pass this legislation, I certainly want to challenge my colleagues to remember, those outside Pittsburgh or Allegheny County and Philadelphia, that there are 65 other counties out there, municipalities, school districts, townships, boroughs, in dire need of true tax reform.

Although I will support this legislation, Mr. President, for the reasons given by the gentleman from Allegheny, Senator Bodack, and the gentleman from Fayette, Senator Lincoln, and others, and the gentleman from Allegheny, Senator Fisher, on our side of the aisle, who has been a staunch supporter and

leader in this issue, it is not the way I hope we go in the other 65 counties. The gentlewoman from Allegheny, Senator Hart, talked about a referendum, and I think that was appropriate for her to offer that referendum because as we deal with the other 65 counties, I believe the only way to go is with a front-end referendum. And we may disagree on that, Mr. President, the Chair and I, but I think we are both, and many other people, the gentleman from Allegheny, Senator Dawida, and the Committee on Finance, and others, have worked toward finding a solution to that maze called local tax reform.

So, Mr. President, as we are prepared to vote on this issue, I look forward to voting for it. I am delighted that we will see the kind of preservation of these regional assets. I wish that they had cut the amusement tax to zero. I think that would have been a good way to go. I do not, frankly, think the 5 percent even needs to stand, and perhaps as the city of Pittsburgh looks at the revenues that it will be taking in, it is not a revenue-neutral bill. I would hope that they would cut the other 5 percent, because I think that as they do that, more revenue will come in from other ways, and more property taxes, perhaps, could be cut. But there is a great need out there for additional work in Senator Dawida's and Senator Hart's committee, the Committee on Finance. We were on a roll, I thought, in the spring, but we will have another opportunity on another day to do that, and I would remind my colleagues from Allegheny and Philadelphia Counties that there are 65 other counties out there needing help very, very much.

Thank you, Mr. President.

The PRESIDENT. On final passage of the bill, the Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, it is never easy to stand up to ask for support of a new tax or talk in favor of a new tax. But, likewise, Mr. President, it is not easy for me, being a life-long resident of the Pittsburgh area, to see the way in which our region has changed, and it has changed dramatically over the years. To see all the old mill towns that were a great source of strength to our region in years gone by having lost most of their economic base, to have seen the city of Pittsburgh, to have seen much of its economy leave, to have seen its tax base as a portion of our region change from approximately 50 percent to 25 percent of our region, and it is never easy to see some of the real assets that have made the Pittsburgh region a great place to live, for me and for many others, be in jeopardy.

The assets of our region which will be helped by this proposal are some of those that the gentleman from Fayette, Senator Lincoln, and the gentleman from Blair, Senator Jubelirer, have mentioned - Three Rivers Stadium, the civic arena, the zoo, the libraries, the Carnegie Science Center. They are assets that presently are supported, by and large, by the taxpayers of the city of Pittsburgh, with some help from the Allegheny County government, but by and large are assets that are used and they are places that many people from all over southwestern Pennsylvania go.

But even of more importance to me is that the continued existence of these assets means jobs. It means not just jobs for

our restaurants, our hotels, the stadium, the various other attractions, but it means jobs for the people in our region, because if, in fact, we are to improve the economy of southwestern Pennsylvania, it is the amenities that make up our region that continue to make our region one of the greatest places to live in this entire country. And that is why I stand here today asking for colleagues on both sides of the aisle to recognize what this is all about. I have spoken to many of my constituents and told them what is contained within this legislation. I have asked them to recognize that there is some form of tax reform, the elimination of the personal property tax, the prospect of significant tax reduction in the real estate taxes in many of our communities, and I think all in all it is a tax which in dealing with tax reform is probably as close to being revenue neutral as you are ever going to get. But what is important to me, as I have said, is we are going to have the opportunity in our region to preserve those assets that I have had the opportunity to enjoy over many years, and I hope my children and my grandchildren and many others will have the opportunity to continue to enjoy throughout southwestern Pennsylvania in the years to come.

Mr. President, thank you very much.

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

Senator LEWIS. Mr. President, I rise to commend the leaders from Allegheny County who have brought us to this position tonight in which we are poised to deal with what I believe is an historic proposal. And when I say leaders of Allegheny County, I mean, of course, the legislative leaders in this Chamber and in the House, but as well the leaders from the city, from the municipalities, from the county, and within the business community who have worked so hard to identify areas of agreement on this proposal.

I am mostly excited about this proposal because I see it not only for all of the benefits that it provides for Allegheny County that have been articulated by the preceding speakers, but for two other reasons that I think are of equal and potentially greater importance in the long run. The first is that I think that this outline and framework for regional cooperation has the potential to stand as the model for communities all over Pennsylvania. For the first time in the history of this Commonwealth, we are about to embark on an endeavor in which we will see the revenues that are necessary for the operation of our local governments being generated from an area that spans the municipal boundaries of any one of them which will benefit from the proposal. And this is historic. I think that as the gentleman from Blair, Senator Jubelirer, pointed out, when we endeavor to tackle local tax reform for the 65 other counties, for the dozens of other urban areas in this Commonwealth in the months and the years ahead, that the blueprint that has been laid before us from Allegheny County should stimulate a great deal of debate and, hopefully, optimism about the opportunities for bold and new methods for dealing with very, very old problems.

Secondly, I think that one of the exciting things about this proposal is that it really stands as a threshold recognition of

the fact that the mechanisms for generating revenue for our governments have to be not limited to the geographical boundaries by which they have been constricted in the past but rather reflect the economic realities of today and of the future, an economic interchange and intercourse that no longer simply stops at one borough line or one county line but realizes that the assets and the economic needs of an entire community have to be dealt with as a totality, as an entity unto itself.

Just a few weeks ago I had the opportunity to listen to Neil Pierce, an individual whom I am sure many of you have read and listened to in the past, as he spoke about his concepts of where we are going in this country in terms of our economic trading opportunities for the future. And he expounded a theory about which he has also written in which he said that the real trading blocs as he sees them are not going to be nations, they are going to be geographical areas much larger than nations and geographical areas much smaller than nations. He explained by that that what he meant was that the real trading powers are going to be the Pacific Rim, it is going to be the European community, and it is going to be a North American community much like that which we now see being linked together in the trade agreements with the North American Free Trade Agreement. But he also described the areas within those communities as reflecting regional economic enterprise and development. I think that if one is to subscribe to those theories, then one needs to recognize that this step being taken now in southwestern Pennsylvania is going to give an opportunity to Allegheny County, to Pittsburgh, and to the southwestern Pennsylvania regional area to jump-start their future in terms of their economic viability not only in this Commonwealth, in this nation, but within this entire world, if it develops as Neil Pierce sees it doing in the relatively near future.

This is exciting beyond what it just means for Allegheny County. It has tremendous potential for southeastern Pennsylvania and for the rest of this Commonwealth, and I repeat my initial comment, I commend all of the leaders in Allegheny County who have worked so hard to make this possible.

#### LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Williams and Senator O'Pake. The Chair sees no objection. Those leaves will be granted.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, under the order of business of leaves of absence, I would request a legislative leave for the remainder of today's Session for Senator Shaffer.

The PRESIDENT. Senator Jubelirer asks for a legislative leave for Senator Shaffer. The Chair hears no objection. That leave will be granted.

And the question recurring,  
Shall the bill pass finally?

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

Senator STOUT. Mr. President, first of all, I rise to urge support of House Bill No. 659 and the extension of the 1-percent sales tax to the purchase of goods and services in Allegheny County. Representing three counties that are contiguous to Allegheny County - portions of my home county of Washington, and Beaver and Westmoreland Counties, and also Greene County, one county removed - many of my constituents avail themselves of the regional assets that are in the city of Pittsburgh and other locations in Allegheny County. And that is well and good that everyone comes together to support those facilities and keep them. You know, all of us have been heavily lobbied here in the last several weeks concerning this legislation, and the fact is that many people take great pride in the Pittsburgh area, not just the people of the city of Pittsburgh, about having the Pirates, the Steelers, and the Penguins there, and they are a source of pride to our entire region. But those people I represent go there and they buy tickets, like your constituents, and support those facilities, and I know it may not be funding enough to keep and maintain those facilities. They are important to our area. They do benefit not only the city and the county and all the other facilities there.

One thing, you know, we are talking about a regional concept, and that is fine and good, and other speakers have touched on work undone, like tax reform, and those who represent counties where our constituents, who go into Allegheny County and purchase goods and services, will be contributing to that. It is estimated, in my conversation with the Revenue Department, that about 20 to 25 percent of that estimated \$106 million will come from residents outside of Allegheny County, whether they are from Washington or Westmoreland or they are visitors from out of State who come in there, and they will help contribute to it.

But we talk regionalism. I also had a recent conversation with your mayor-elect of the city of Pittsburgh and we talked about this regional idea involving not only these facilities that are there that have been in place for many years and maybe many of us take for granted, but an area that I have been involved in, as have many other Members of this Chamber, is the highway program to connect and provide the necessary highway and transportation infrastructure in southwestern Pennsylvania that will enable many communities, particularly communities in the Mon Valley area of Fayette and Greene and Washington and Westmoreland Counties, to get to and from Pittsburgh, to allow them to come down into our area and use our facilities and to contribute to the economic vitality that flows from that. But recently we had some problems with some of the various planning agencies headquartered in Allegheny County and the city of Pittsburgh as they were not supportive of our highway plans for our Mon-Fayette expressway projects, and also the southern beltway and the need to do that.

So I am going to remind my colleagues who represent Allegheny County, either in whole or in part, that when you start

to talk regionalism, you have to benefit the entire area, not just the city of Pittsburgh, not just Allegheny County but all those areas from Butler and Armstrong and Westmoreland and Fayette and Greene and Washington and Beaver and Lawrence, and those counties which make up the nucleus of southwestern Pennsylvania. And we do need to continue and not lose sight of our tax reform, not only that which benefits the approximately 1.4 million people in Allegheny County but the other 3 to 4 million people in western Pennsylvania who need to be able to have the same opportunity that is given to Allegheny County on tax reform when this body considers that. Keep in mind that many of us who represent the counties outside of Allegheny and western Pennsylvania will be looking for support from the Allegheny County delegation on both sides of the aisle when we address regional economic development and transportation needs. And I do urge support of House Bill No. 659.

Thank you, Mr. President.

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

Senator PETERSON. Mr. President, I rise to share my support for this measure. That may surprise some of you because I do not live real close to Allegheny County, but I think what happens in Allegheny County and in Pittsburgh is most vital to the vitality of western Pennsylvania. And we certainly have not had a banner year in the last year. We certainly do not need to lose the Pirates or the Penguins or have the Carnegie and the regional, all of the other infrastructure items that are listed in this bill to be funded, we certainly do not need to lose any of them.

I think it is important that as we support this bill tonight, we realize that this bill also goes a little further. It does do tax reform for Allegheny County. I think that is like spot zoning where we are going to help the problem in one county, but I guess I say in return for my support as a rural legislator, the most rural legislator in this body, I urge those from Allegheny County and from suburban areas that later when we come forward with a tax reform proposal, and I think one of the reasons that we have not passed tax reform in Pennsylvania is because it has been awfully hard to get a measure that serves rural Pennsylvania well, that serves suburban Pennsylvania well, and serves our cities well, and maybe we will have to do it piecemeal. Maybe we will need to take care of the cities separately; maybe we will need to take care of suburbia separately in some manner.

I am looking forward in the future to having a tax reform proposal that deals with the rural counties, because I think we can agree fairly quickly on what tax reform is needed there and maybe get it passed. And I ask some of you to be just as kind and thoughtful on a later day and help those of us who represent rural Pennsylvania to pass tax reform that is so vitally needed, as we support your measure today, because I think this measure will have good impact on Allegheny County and southwestern Pennsylvania. And, for that reason, I support it and I ask my colleagues to do the same.

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

Senator DAWIDA. Mr. President, I think this is clearly the right thing to do. The areas of the country that are growing are the ones that have learned to cooperate between city, suburban, and rural areas in a regional strategy, and that is what we are trying to do here. Most of all, I would like to say to my colleagues who have all expressed this comment, that I remain committed, as the chairman of the Committee on Finance, to doing a tax reform piece of legislation, and I remain committed to do that immediately upon coming back from our New Year's recess.

I think we still have unfinished business, even after we do this legislation, and I look forward to doing that in a very meaningful and perhaps dramatic way when we come back. I think you can expect that this legislation will not reduce the ardor for tax reform but rather increase it, and I thank you all for your support on this very important piece of legislation for my communities.

Thank you.

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

Senator LINCOLN. Mr. President, I am really encouraged by the number of people that I hear speaking in favor of this legislation from different parts of Pennsylvania. One of the things that is amazing about this is we have recently witnessed the building of an incredible facility in Allegheny County, the Allegheny County airport, which is a regional airport providing thousands and thousands and thousands of jobs, and there were people from all over Pennsylvania who contributed to that by allowing their tax dollars to go into road building and the actual construction of the airport itself. And it just goes beyond my ability to comprehend how anyone from Allegheny County could oppose this.

I took a look at one Senate district in Allegheny County, and I really did not do this until the gentlewoman from Allegheny, Senator Hart, offered the amendment on the referendum. I represent one of the poorest counties in this State, Fayette County, and I look at the total local subsidy that is spent on county libraries in Senator Hart's district, and one library, Northland Public Library, \$966,142 of local subsidies go into that library. That is more money in one library than is spent in my whole Senate district on libraries. And what this bill will do is it will allow that money to be paid out of moneys that will be raised by that 1-percent sales tax. We are not saying, and those people supporting this are not saying, that we are asking for a 1-percent sales tax without giving something back. And if I wanted to be purely, purely a very parochial person and only worry about what the people in my Senate district were going to say about me or to me over this vote, when I look at the numbers that I see coming out of Senator Hart's district, it would be very easy for me to sit down and shut up and vote "no." But I know the benefits coming from this vote. I know that 10 or 15 or 20 years from now the same caliber of cultural affairs that takes place in the city of Pitt-

sburgh which are available to everybody are going to be better than they are now.

And not the libraries alone. The zoo. How many people do you know from western Pennsylvania whose families have visited that zoo? Go out some day. Just go out and try to get a parking place from May through October, or whatever. I cannot believe that anyone could oppose something that is not only going to continue funding for some very, very vital and important events that take place in the city and provide jobs but also turn money back to the municipalities. And by representing part of the city of Pittsburgh, Senator Hart's district is going to benefit in an even greater amount because those municipalities do not have to turn all that money back into reduction of taxes. They are going to be allowed to use that money to fund their local governments. And I want to tell you something, to me that is as important as anything else in this bill.

I hope, as several speakers prior to me have said, that this would be extended over the next year maybe, maybe it is something that will set a good trend and give us a good feeling about working together and we may be able to do something to help the gentleman from Venango, Senator Peterson's district, or the gentleman from Bucks, Senator Lewis's district, or mine. I want to tell you something. Funding of local governments is so critical and somewhere along the line we are going to end up losing the most. The people who spend the buck the best are borough council members, township supervisors, third class city council members. And if we do not help them pretty soon, and this is a very major step in that direction, and I hope that we can continue to do this and maybe over the next 8 or 10 or 12 months extend the same opportunities for helping local governments and cultural and sporting facilities, and whatever it may be that hits your fancy.

This is a good piece of legislation. I want to commend Senator Bodack, Senator Fisher, Senator Belan, Senator Scanlon, who is not here with us today, Senator Dawida, the Members of the Allegheny County delegation who have stood up, Members who have stood up with the business community and other members of the community in Allegheny County and said, yes, this has to go beyond politics, this has to be put in the right perspective, and we are going to pass something that gives you the opportunity to continue doing the fine things. And as a non-Allegheny County resident, I want to say that I am proud to be part of maybe keeping some of those things in place long after I am gone from public office.

I urge a "yes" vote on this particular bill.

#### LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, Senator Mellow and Senator Jones have gone to Senator Mellow's office for a meeting, and I request temporary Capitol leaves for those two Senators.

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

And the question recurring,  
Shall the bill pass finally?

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

YEAS—35

Afflerbach	Fisher	Madigan	Schwartz
Andrezeski	Fumo	Mellow	Shaffer
Armstrong	Heckler	Musto	Stapleton
Baker	Jones	O'Pake	Stewart
Belan	Jubelirer	Pecora	Stinson
Bodack	LaValle	Peterson	Stout
Bortner	Lewis	Porterfield	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Salvatore	

NAYS—13

Bell	Hart	Mowery	Robbins
Brightbill	Holl	Punt	Shumaker
Corman	Lemmond	Rhoades	Tilghman
Greenleaf			

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

**REPORTS FROM COMMITTEE**

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

**SB 867 (Pr. No. 945) (Rereported)**

An Act amending the act of April 8, 1982 (P. L. 303, No. 85), entitled "Second Class County Prothonotary Fee Act," providing for the establishment and modification of fees and for the imposition of an additional fee.

**SB 971 (Pr. No. 1485) (Rereported)**

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

**HB 2091 (Pr. No. 2893) (Amended) (Rereported)**

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), known as the Pennsylvania Crime Commission Act, abolishing the act; further providing for the powers and duties of the Pennsylvania Crime Commission; providing for transition; and making an appropriation.

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

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

**HB 2091 (Pr. No. 2893) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), known as the Pennsylvania Crime Commission Act, abolishing the act; further providing for the powers and duties of the Pennsylvania Crime Commission; providing for transition; and making an appropriation.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LEWIS offered the following amendment No. A4793:

Amend Title, page 1, lines 6 through 9, by striking out "ABOLISHING THE ACT; FURTHER" in line 6 and all of lines 7 through 9 and inserting: eliminating the annual report requirement; providing for certain reports to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives and for termination; conferring powers and duties on the Legislative Budget and Finance Committee; and making an appropriation.

Amend Bill, page 1, lines 15 through 20; pages 2 through 13, lines 1 through 30; page 14, lines 1 and 2, by striking out all of said lines on said pages and inserting:

Section 1. Section 4 of the act of October 4, 1978 (P.L.876, No.169), known as the Pennsylvania Crime Commission Act, amended April 30, 1986 (P.L.132, No.40), is amended to read:  
Section 4. Powers and duties.

The Pennsylvania Crime Commission shall have the power and its duty shall be:

- (1) To inquire into organized crime and activities of persons engaged in or associated with organized crime.
- (2) To inquire into public corruption and the activities of persons engaged in and associated with public corruption.
- (3) To make a detailed written report of every completed investigation which may include recommendation for legislative or administrative action.
- (4) To account to the Governor, the Auditor General and the General Assembly at the end of each fiscal year for all moneys received and disbursed.

[(5) To submit, during April of each calendar year, an annual report on the status of organized crime in the Commonwealth to a joint public hearing of the Judiciary Committee of the Senate and the House of Representatives.]

(5) To report to the Judiciary Committee of the Senate and the House of Representatives on a quarterly basis. These reports shall contain information on the activities of the commission during the preceding calendar quarter. In addition the commission shall submit other reports prepared pursuant to this section and to present said reports at public hearings of the committees of the Senate and the House of Representatives having oversight responsibilities or appropriate legislative jurisdiction of the subject matter of said reports.

(6) Through its chairman, to call upon the department heads of State Government and State agencies for such information and assistance as is needed to carry out the functions of the commission.

(7) To require the attendance and testimony of witnesses and the production of documentary evidence relative to any investigation which the commission may conduct in accordance with the powers given it. Such subpoenas shall be signed by the chairman, the executive director and two commissioners and shall be served by any person authorized to serve subpoenas under the laws of the Commonwealth.

(8) To appoint and fix the compensation of an executive director who shall devote his full time to the general supervision of all investigations and proceedings by the commission.

(9) To appoint and fix the compensation of such other employees as the commission may from time to time find necessary for the proper performance of the functions of the commission. Investigative employees of the commission shall be deemed law enforcement officers.

(10.1) To promulgate and publish rules and regulations, including those regulations controlling or defining the:

(i) Calling of meetings.

(ii) Investigative responsibilities of commission members.

(iii) Written procedures to be utilized by the commission's investigative management staff in planning and supervising investigations and inquiries.

(iv) Dissemination of materials, including dissemination to the Governor and members or committees of the General Assembly.

(v) Appropriate use of commission property, including all vehicles.

(vi) Maintenance of confidentiality of information.

(vii) All other procedures and acts as are necessary for the proper functioning of the commission.

(11) To perform such other acts as are necessary for the proper functioning of the commission.

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

**Section 11. Termination.**

The commission shall terminate its affairs and go out of existence on December 31, 1994.

Section 3. The Legislative Budget and Finance Committee shall perform a performance audit on the Pennsylvania Crime Commission. The committee shall provide the audit, including a recommendation for continued funding, to the General Assembly by September 30, 1994.

Section 4. The sum of \$1,191,000 is hereby appropriated to the Pennsylvania Crime Commission for the period January 1, 1994, to June 30, 1994, for the general governmental operations of the Pennsylvania Crime Commission.

Section 5. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator LEWIS. Mr. President, this amendment is one which was adopted by the Committee on Appropriations last week and deleted by the Committee on Appropriations earlier today when a motion to revert to a prior printer's number was successful.

The issue before us in House Bill No. 2091 is the future of the Pennsylvania Crime Commission, and let us understand one thing very clearly from the beginning of this discussion. Neither the bill in its current form nor the amendment puts the

Crime Commission out of business today or tomorrow or at the end of this week or month. Both the bill in its present form and the amendment provide an identical amount of funding for the Crime Commission, which is essentially that which is necessary in order to pay for its activities for the balance of this fiscal year. So whether one is inclined to support the amendment or the bill in its current form, the Crime Commission is likely to continue to be funded at least through the end of the fiscal year running until June 30 of 1994.

There are, however, three basic differences which the amendment seeks to address which, in my judgment, really go to the question of why should we consider the elimination of the Crime Commission? The amendment seeks to direct a comprehensive performance evaluation of the activities of the Crime Commission by the Legislative Budget and Finance Committee. There has been much rhetoric, much emotion, and I think a great deal of controversy about what the Crime Commission has done and whether it is meeting its mission and whether it is sensitive to individuals in this Commonwealth, and I believe that many of those concerns are well-placed.

But the fundamental question in my mind ought to be whether it is performing a valuable service for the people of the Commonwealth of Pennsylvania, and that issue has all but been lost in the emotion of the rhetoric that has surrounded this debate to this point. I do not think that there is anybody in this General Assembly who would challenge the high regard in which the work of the Legislative Budget and Finance Committee is held, and so it is for that reason that that group is being requested, in fact directed, under the amendment, to conduct a comprehensive performance audit so that we will all be able to know and to evaluate from an independent, nonpartisan source the question of whether this commission, in fact, is earning its keep in the Commonwealth. And it seems to me that if we are going to abolish an agency that has such an important mission defined for it, we ought to do it on the basis of accurate, nonpartisan information, rather than individual reactions or emotional reactions to the method by which reports are issued or the subjects of what those reports might be. That is one of the major changes that I seek to address with this amendment.

Secondly, since we are talking about spending more than \$1 million for the funding of the Crime Commission for the next 6 months, it would seem to me that at a minimum we ought to have some information as to what the commission is doing for that money. The bill, in its current form, eliminates any reporting responsibility of any kind from the Crime Commission. The amendment seeks to address what most of us, including I, believe to be reporting circumstances which now are out of control, and that is the annual report which has drawn so much criticism in the past. The bill, in its present form, eliminates the annual report but substitutes no alternative reporting mechanism. My amendment eliminates the annual report in its current form but substitutes instead a quarterly obligation for reports by the Crime Commission to the Committees on Judiciary of both the Senate and the House, an eminently reasonable, sensible, practical approach to this situation, particularly

when we remind ourselves of the fact that the Crime Commission, in fact, was established as an agency to inform the legislature.

The third circumstance, which I believe is more one of facilitation than substance, is that the bill in its current form directs that the Crime Commission go out of existence with the conclusion of its funding on June 30 of 1994. The amendment, while limiting the funding to June 30, directs that the commission not go out of existence until December 31 of 1994. That is for the very simple procedural opportunity so that the report of the Legislative Budget and Finance Committee, which is directed to be returned to us no later than September 30, 1994, will be available for an ultimate decision in which we would then make a decision based upon information presented to us.

Mr. President, the amendment which I offer is not substantially different than the provisions which are currently in the bill. It reflects my agreement and I believe the perception of virtually all of the Members of this body in the General Assembly that the Crime Commission is an agency which needs to be redefined, which needs to be more accountable, more responsive. We do not seek for a moment to try to fly in the face of what I think are those very clear realities. Rather, what we seek to do is to provide an information base upon which we can act responsibly in this General Assembly with respect to the question ultimately of whether this agency ought to continue or be discontinued.

I ask for support of this amendment because I think that it really casts this body as the reflective, deliberative institution which it is supposed to be. It will show that, in fact, we are mindful of the concerns on the minds of our constituents about the impact of crime in our communities, and it will not send some kind of inappropriate, and I believe wrong, message to the people of Pennsylvania as to where the concerns and the considerations of this General Assembly lie.

I urge an affirmative vote on the amendment.

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

Senator TILGHMAN. Mr. President, I rise to support the amendment, and I think that all of us know that if we took a poll in our district at the present time, the item that is of most interest to the residents in my district, and probably most of your districts, this year is crime. It is violent crime, it is soft crime, it is drugs, whatever you want to call it, but crime is on the top of the agenda as the great concern of the public in Pennsylvania, and indeed throughout the United States.

The Crime Commission has been a controversial organization for some time. Nevertheless, I do not think that we should do away with the Crime Commission without the report from the Legislative Budget and Finance Committee. The report will not be a fiscal report, it will be a report that will tell us whether the commission is doing a good job and should be continued or is doing a bad job and should be done away with. I am not prepared to sit here without that report and vote at this time to do away with any commission of any kind that is working in the field of crime.

I urge the support of the amendment of the gentleman from Bucks, Senator Lewis. Thank you.

The PRESIDENT. On the amendment, the Chair recognizes the gentleman from Bucks, Senator Heckler.

Senator HECKLER. Mr. President, I rise to oppose this amendment. The matter of the continued existence of the Crime Commission has been before the legislature for some time. Absent the passage of any legislation, its funding expires at the end of this month. This amendment would seek to return the legislation to substantially the form in which it was originally proposed by Representative Caltagirone. The House overwhelmingly rejected that form by adopting the Veon-Piccola amendment, which transfers the functions of the Crime Commission to the State Police and would immediately place the State Police in charge of the functions of the Crime Commission, so that under no circumstances if this amendment fails are we talking about valid investigative or intelligence functions being abandoned.

What we are talking about here, Mr. President, is the question of whether or not we are going to give some last lease of life to an institution which may at one time have had a valid purpose. Its commission was to investigate not all crime, not the violent street crime which concerns us so much today, but public corruption and organized crime. The only brief, the only mission of the Crime Commission was to report to the General Assembly, to recommend courses of action which the General Assembly might embark upon in addressing public corruption and organized crime. I will tell you in at least 7 years as a Member of the House Committee on Judiciary hearing annual reports from the Crime Commission, not one recommendation, not one suggestion that the Crime Commission has made—and they have been relatively few—has ever been adopted in legislative form. What the Crime Commission has been about is writing reports which get ink in the newspapers.

We have for too long allowed this commission to exist. It is a waste of taxpayers' money. Its functions would more appropriately be transitioned over, as the bill in its present form does, to the State Police.

Let me add one bit of personal experience. Some years ago I was counsel to the State District Attorneys Association and had occasion to attend the first session of the wiretap and electronic eavesdropping surveillance course at the State Police Academy. I was very cautious to make sure that I was not taking up a spot that I felt should be taken by investigators, because this was the first time this course was being run and we had finally given these important tools to prosecutors and investigators in the State. I encountered two investigators, and in the course of an evening discussion, I got to know some of the police officers, and I asked where these two gentlemen were from. Oh, they were from the Crime Commission, they informed me. And I guess I was not any more politic than I am now. I suggested that these guys were taking up valuable space that real police officers ought to be occupying. Their response to me was, well, you know, you prosecutors, you probably plea bargain any cases that come to you and nothing happens, and the cops, they lose their cases. When we go after

somebody, their kids read about them in the newspaper. That has been the institutional ethic of the Crime Commission from day one. Divorcing an investigative body from the discipline of a prosecutorial body, of actually having to bring evidence to court, has always resulted in a waste of money and no useful investigative purpose. We have the chance today, if this bill indeed will be considered on final passage without the Lewis amendment, to transfer the functions of the Crime Commission to a real investigative body that actually puts people in jail - the Pennsylvania State Police.

I would urge the rejection of this amendment and the passage of the bill in its present form.

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

Senator BORTNER. Mr. President, I rise to support the amendment that is being offered by the gentleman from Bucks, Senator Lewis. He has outlined the details of the amendment, the substantive issues, and I will not repeat them.

I think essentially why his amendment makes sense is that if nothing else, he is injecting a much more orderly and a much more thoughtful process to reconsider the Crime Commission and their mission. I think it is very possible that that mission has changed. I think it is very possible that there should be substantial changes to the way they do business. I think it is even possible that perhaps they are no longer necessary and they may have, in fact, outlived their usefulness. I am not prepared to make that decision right here today. I think a thorough review and an audit by the Legislative Budget and Finance Committee would be very, very helpful. I think it would help us to consider exactly what role we want the Crime Commission to play.

One of the problems with much of the criticism that is leveled at the Crime Commission, I believe, is that they are, in fact, tied to legislation that greatly restricts what they are allowed or what they are permitted and what they are required to do. I hear lots and lots of complaints about their annual report, but that happens to be the main reason that they were created and the main purpose for their existence. If, in fact, that is objectionable, and if, in fact, we think that that is no longer useful, we should look at whether or not the legislation should be changed and whether there is not a better role, whether there is not still a role for an agency that is not prosecutorial, does not necessarily make the arrests but can sort of stand back and still do some of the policy, still do some of the review, still do some of the work that I think law enforcement agencies might benefit from.

Again, my main point in supporting this amendment is that I think it injects a much more thoughtful process into considering the Crime Commission. I hope other Members will support the amendment as well.

Thank you.

#### LEGISLATIVE LEAVES CANCELLED

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

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

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

Senator FUMO. Mr. President, I rise to oppose the amendment. I recognize this is a controversial issue. I recognize it is causing some frustration among friends. But, Mr. President, this is a moral issue for me.

The Legislative Budget and Finance Committee is a wonderful organization, but I do not remember the last time they ever recommended that we abolish anything. Mr. President, I do not know what we have abolished in all the sunset reviews we have had. In fact, if anybody wants to save some money, maybe we ought to just do away with sunset and let the bureaucracies continue intact the way they are anyway, but I guess if we did that, then we would do away with the bureaucracy that handles sunsets, and we could not do that either.

But, Mr. President, this Crime Commission that we have currently operating, and for the last 15 years since I have been here, its style has never changed. It has an institutional bias against Italian-Americans of this Commonwealth, and, Mr. President, I oppose it morally for that reason. And not just because it has a bias against Italian-Americans, but because any agency of government that has an institutional bias against any group of Pennsylvanians does not deserve to continue.

Mr. President, it is not the report that people have trouble with, the fact that they make a report. It is the irresponsible, cavalier way in which they make that report. It is in the inaccuracies in that report, and it is the way in which it taints and besmirches the reputations of many innocent people in that report. It is not the fact that they make a report.

Mr. President, they have decided to investigate the Attorney General of this Commonwealth, someone who on this floor just about a week or so ago I railed against because I objected to the politicalization of his office, and I still take issue with that. But, Mr. President, he is still the elected chief law enforcement officer of this Commonwealth. Seven months ago this Crime Commission came before a joint hearing of the Committees on Judiciary of the House and Senate of Pennsylvania, and at that point in time we told them to put up or shut up. It is now 7 months later and they have done neither.

Mr. President, I asked them today whether or not they have made their peace, so to speak, with the Order of Sons of Italy in America, which vehemently protested their actions back then. I was told by their executive director that, in fact, they met with that statewide organization, and I was led to believe that all was calm. I got back to my office not a half hour ago and got a call from the president, Bob Messa, who said that was an outright lie. They never met with him and they never met with any of his officers.

Mr. President, that agency is intellectually, morally, and integrity-wise bankrupt. It does not deserve to be allowed to continue.

Mr. President, I heard the gentleman from Montgomery, Senator Tilghman, talk about the issue of crime and how it is the major issue today, and I do not dispute that. But the mere

fact that it is the issue that it is today is a clear indictment of this Crime Commission that has been around so long allegedly fighting crime. Mr. President, they have done nothing to curtail crime in this Commonwealth, but rather gather headlines at the expense of people's reputations. And, Mr. President, once a person's reputation has been besmirched, as was said by former Secretary Donovan, there is no office that you go to, no agency that you visit to get your reputation back.

Mr. President, this entity has outlived its usefulness, it has passed the Peter Principle, it is not only a waste of taxpayer money in the fact that it is inefficient, it is an abhorrent use of taxpayer money in the fact that it maintains an ethnic bias against a group of Americans in this Commonwealth who have done nothing, a proud group of immigrants who came here. Mr. President, it should be abolished. This amendment should be beaten down, this bill should be passed, and we should go on with government and find a better use for this \$2 million than to give it to that agency to act even more irresponsibly in the future.

Thank you, Mr. President.

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

Senator BRIGHTBILL. Mr. President, I also rise to oppose this amendment. The only criticism I have of the General Assembly now finally taking the action to eliminate the Pennsylvania Crime Commission is that we did not do it about 10 or 15 years ago. My first encounter with the Crime Commission was as a district attorney, and as a district attorney it was my obligation to fight crime, and one day I got a phone call from one of my local newspaper reporters and he said, did you know that there is someone in the community who is engaged in gambling activity? And I said, yes. And he said, do you know that person's name is so-and-so? And I said, well, I prosecuted him in court. I said, I certainly do. Well, he said, it is in the Crime Commission report. I said, well, I have not seen the Crime Commission report, but I did prosecute that individual and the prosecution appeared in the Daily News, so obviously they got that information out of the Daily News when I did the prosecution.

I decided then that it was the job of government and law enforcement to prosecute criminals. It is not the job of government, and it is inappropriate for government to label people as criminals. The press can do that. The press can take a prosecution and write whatever they want about it, within certain constitutional limits, and those are very broad limits, but it is very inappropriate for government to do that. And, Mr. President, I have to tell you, as a former prosecutor, I take a lot of offense when I pick up the newspaper and see that a prosecutor, for example, dismissed a case, as I recently read, but nevertheless tells the media that he had enough evidence to prove it but he decided to dismiss it. That is absolutely wrong. If the government has a case, they should file the charges in court, as is appropriate. And if the government cannot prove their case beyond a reasonable doubt, if they cannot establish it in court, then they should withdraw the case. It is that simple, Mr. President.

The shift of the responsibilities of this Crime Commission to the Pennsylvania State Police will, frankly, be nothing new to the State Police. The State Police have been doing this for many years. And I will share this, I am sure many of the Members know it, I have worked with the State Police, and they are terrific. They do a good job. They do a very difficult job.

I cannot imagine why we would be extending the life of the Crime Commission. I have sat in an incredible number of private conversations with Members of this body and I have never heard anyone in a private conversation get excited about the Crime Commission. And I remember the year of the Gridiron dinner when the Crime Commission report was the basis and the butt of the joke of the evening. The Crime Commission report was what was used to make us all laugh.

Well, I do not know how many millions of dollars we have spent on the Crime Commission in the last 11 years, Mr. President, and while my constituents are concerned about crime, they are also concerned about waste, and wasting money in government. I think putting our money and our efforts in the direction of the Pennsylvania State Police to enable them to prosecute criminals, send them to jail, lock the door, I think that is appropriate, and I ask for a negative vote.

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

Senator LINCOLN. Mr. President, I have a great deal of respect for the gentleman from Lebanon, Senator Brightbill, but I would challenge him to prove to me that the State Police are properly staffed to do anything in addition to what they are doing. I will offer the same challenge to him that I did to everyone else with whom I talked today about this: pick the State Police barracks. I will go with you. We will take any crime that you are interested in, either malicious mischief, burglary, robbery, anything less than murder or manslaughter, and I guarantee you, you are going to find hundreds and hundreds and hundreds and hundreds and hundreds and hundreds and hundreds of complaints that have never had more than an initial investigation. In Fayette County, there are 62 police officers for 150,000 residents who have maybe 3 municipalities with a police department. It is impossible for the State Police to do their job because we have never given them the manpower or womanpower to do it. And to think that we can take this particular issue and slough it off like, whoa, we are going to let the State Police do this, or they are going to handle the phasing out, that is totally irresponsible in the perspective of trying to do this.

I have never supported the Crime Commission. I have been an opponent of that particular group for 10 or 12 years, and I am in a very awkward position tonight because I have to vote on an issue that is not going to solve the problem. What I think we should have done was put 6 months' funding in this bill, nothing else, have it completely sunset on June 30, do not worry about reports, do not worry about who is going to do it. Get rid of them. And either choice that I have tonight does not get rid of this scourge that I have had to deal with for a lot of years. And I am not being critical of the gentleman from

Lebanon, Senator Brightbill, because I think that there is a misconception among a lot of people that the State Police are out there controlling everything in crime, and God knows that they cannot do it. It is impossible for them to do it, and I think the best thing to do would be to put this amendment back in the bill. Tomorrow, let us talk about the whole issue when we have it before us and make an intelligent decision, and maybe by tomorrow we might have another amendment that might be a lot simpler than this or a lot simpler than what came to us from the House and address the issue head-on, the way it should be. But I think for tonight the best thing to do is to pass this amendment.

The PRESIDENT. On the amendment, Senator Brightbill.

Senator BRIGHTBILL. Was that a question, Mr. President?

Senator LINCOLN. Mr. President, if you just say "yes" or "no," it would be a question.

Senator BRIGHTBILL. Mr. President, since the gentleman chose to interrogate me, more or less, I would like to say a number of things.

Number one, I do not believe that eliminating the Crime Commission will cause one less prosecution of crime to occur in this Commonwealth. Number two, if we take the money that has been allocated to the Crime Commission and allocate it to genuine crime fighters like the Pennsylvania State Police, the number of prosecutions will increase. I agree with the gentleman in terms of his overall aims, his overall objectives, and if he offers an amendment to do what he said, I have no real problem with it. But I think the time has come to eliminate the Crime Commission because they just do not do their job. It is that simple. This is not a partisan issue with me. This is not a political issue with me. This is something that I believed the day I got here, and it had nothing to do with Republicans or Democrats or any other issue. And I know that this issue has been tainted a little bit, and I think that is unfortunate, Mr. President, but I do not believe there will be one less prosecution of one criminal by eliminating the Pennsylvania Crime Commission if we did it tonight.

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

Senator FISHER. Mr. President, for many years I have been a supporter of the Crime Commission. In 1978, as a member of the House, I worked on the subcommittee that helped create the Crime Commission, at that time a Crime Commission which was intended to be a body to report to the General Assembly on public corruption, organized crime, and other related activities. I think personally that over the years it has done a pretty fair job under a lot of criticism, but unfortunately, Mr. President, over those years the criticism has mounted. It has mounted to a point where it has reached its peak here in 1993.

It is my belief, Mr. President, that at a time when we are looking for all the resources that we can get our hands on, whether it be to reduce taxes, to cut the size of the budget, or to help get more money directed to the fight against crime, that the time has come where we need to take the Crime Commission out of existence. I say that, Mr. President, because I believe as a result of all the controversy that has swirled

around this commission over the past year, and before that, that a commission that can only operate with full support and with the maximum amount of credibility that it needs does neither have that full support anymore and certainly does not have credibility, credibility in the public, and I doubt that it continues to have the credibility that it needs in the field of law enforcement.

I said last week, Mr. President, at the hearing of the Committee on Appropriations, that during the controversy over the Crime Commission I had not received one letter or one phone call from anybody whom I know in law enforcement, and I know a lot of people in law enforcement particularly in western Pennsylvania, telling me and urging me that we need to continue funding the Crime Commission in order to help their fight against crime throughout Pennsylvania. I do have to acknowledge, however, that over the weekend, after having that statement reported in the newspaper, I did receive one letter. I did receive one letter from one law enforcement official in central Pennsylvania, and I respect his viewpoint on the fact that he believes that the Crime Commission has done some good in the past. In fact, I agree with that. Much of the work of the Crime Commission and much of the work of the men and women who have served on that Crime Commission I want to applaud, because over the years we gave them a job and we gave them a responsibility with their hands tied behind their back on many occasions. But as I said, the time has come, I believe, to end this spending on the Crime Commission.

The difference between the bill that is presently before us and the amendment offered by the gentleman from Bucks, Senator Lewis, is simple. The bill today that is before us that, by the way, we reverted to in the Committee on Appropriations, is, in fact, the bill that was passed by the House of Representatives. That bill will allow the Crime Commission to have the funding that they need, and in fact their executive director testified today in front of the Committee on Appropriations that the funding contained in the bill that is before us today is adequate to get the commission through the balance of this fiscal year. It will allow them to have that money to begin to wrap up the investigations that they have underway, and then in a logical sequence at the end of this year to turn over the cases that have not been closed either to the State Police or to the Federal authorities to allow them to continue to pursue the investigations.

Mr. President, one other comment I would like to make on what the difference between the bill and the amendment really is. Senator Lewis said that really the difference is, in addition to extending the life of the commission until the end of December of 1994, that it will call for an audit by the Legislative Budget and Finance Committee. I have in my hands a sunset performance audit that was performed on the Pennsylvania Crime Commission and issued in June of 1985 by none other than the Legislative Budget and Finance Committee. The study called for in this amendment would not, in fact, be the first study by that agency. That study has already been done. They did a thorough report. They made some recommenda-

tions, and they made some recommendations to us. But one of their recommendations, which appears on page 27 of that report, says that while it is certainly conceivable that a State agency such as the Attorney General's Office or the Pennsylvania State Police can encompass the investigatory and advisory role related to organized crime and public corruption currently provided by the Pennsylvania Crime Commission, such a role would necessarily be adjunct to, if not subordinate to, the enforcement and prosecutorial roles of those agencies. They go on further, Mr. President, not to make any basic recommendation other than the specific recommendations they made at that time for changes in the makeup of the body.

Mr. President, I submit that really what is before us today is a public policy issue that we have to decide. We have to decide whether in light of everything that has happened, really whether the Crime Commission can continue to perform the way it was envisioned in 1978 and re-created in 1986. I believe, after having looked at all this data and having seen, as the gentleman from Lackawanna, Senator Mellow, presented to the Committee on Appropriations the other day a stack of news clips of 50 percent of the people across the State saying get rid of them and the other 50 percent saying we should keep them, I think we have reached a point that the sun should set on the Crime Commission, but we should make sure, not by amending this bill but by passing this bill as it is, that we provide the necessary money for them to wrap up their duties, for them to wrap up their investigations, but, basically, Mr. President, I would urge a negative vote on this amendment and an affirmative vote on the bill when we get to the bill on final passage tomorrow.

Thank you, Mr. President.

The PRESIDENT. On the amendment, the Chair recognizes the gentleman from Bucks, Senator Heckler.

Senator HECKLER. Mr. President, very briefly, it has been suggested that the State Police do not have adequate resources to perform the functions which it is alleged that the Crime Commission now performs and that we would be doing some kind of disservice by not passing this amendment and promptly bringing the Crime Commission to an end and transferring their functions to the State Police. I would suggest that those statements are just wrong. They do not gee up with the facts. The State Police now have an extensive intelligence and investigatory staff, which has been augmented by the staff of the Office of Attorney General. Their intelligence operation is so thorough that the Attorney General's investigators in that field have literally been integrated with the State Police function. The Office of Attorney General now maintains the 13-State crime information network known as MAGLOCLIN, which gathers and disseminates intelligence information about organized crime activities. Let us be very clear about this. If you have a series of crimes like the dreadful series of rapes in the Lehigh Valley that were recently solved by local police, if you have organized crime infiltration in some aspect of government or business in your district, it is not going to be the Crime Commission that ferrets out that criminal activity and that puts people in jail. It is going to be the Pennsylvania State Police,

it is going to be the local police departments, and it is going to be either the Office of Attorney General or the local district attorneys who use the tools we have given them in past years - the ability to wiretap, the investigative grand jury - to put the people who are perpetrating those crimes in jail. The Crime Commission historically has not done any of that; indeed, the State Police have. The Junior Black Mafia, a dreadful ring of drug corruption that savaged much of Philadelphia for a number of years, was virtually eliminated by a combination of State and Federal prosecutions. The intelligence which provided the basis for those prosecutions and cracked that particular ring was accomplished by the Pennsylvania State Police.

We have the tools. The Crime Commission has always been adjunct and an aside to real law enforcement. Now is the time to do what the bill in its present form, without the Lewis amendment, does: turn those limited resources that have never been much use anyway over to the State Police Commissioner. Let him sort the real assets from the rest of it and let him get on with the very important business of his office.

I urge the defeat of this amendment.

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

The PRESIDENT pro tempore. Mr. President, I realize that the hour is getting late and this debate now has had eight speakers. Four have expressed a strong support for the proposal and four have expressed their very strong opposition to the proposal. And, in fact, the gentleman from Bucks, Senator Heckler, on two different occasions expressed his very strong opposition to this particular proposal.

Well, I, for one, Mr. President, rise to support the proposal, and I will be the fourth individual doing that on the floor here this evening. Mr. President, I do that for a number of reasons, and I think when you listen to what debate has taken place here, I think each and every individual probably has made a very accurate statement as to what their beliefs are. But the one thing that comes over more and more and more is that the Crime Commission was established back in the late '70s because of a problem in Pennsylvania dealing with crime. Mr. President, back in the late '70s we had approximately 12,000 or 13,000 people in Pennsylvania who had been incarcerated. Here in 1993 we have about 23,000 people in Pennsylvania, Mr. President, who are currently incarcerated. We have just finished, or we are continuing with, I guess, the most liberal and the most elaborate construction program of new prisons in Pennsylvania that we have ever seen. In fact, Mr. President, I do not think any of us in this particular body, all 50 Members, should take any strong consolation in the fact that today we spend more on incarceration in new money than we do on education. I think it is a very sad day in Pennsylvania when we do that.

It is also a very sad day in Pennsylvania, Mr. President, when we have to spend \$100 million for the construction of a new prison. And we have to spend that kind of money because people in Pennsylvania today are concerned about crime. They are concerned about crime on the street. They are concerned about crime like what took place this past week in New York

State with crime in a railroad passenger car as people were going home from work. They are concerned, Mr. President, with white-collar crime. They are concerned with blue-collar crime, and any other thing that people believe to be crime. Yet, Mr. President, the remarks that we heard on the floor today referred to this as being a moral issue, and I believe that it is an issue of great morality.

It was suggested on the floor that we have never sunsetted an agency. Well, I would like to bring to the attention of the Members that we did go ahead several years ago and we did sunset IRRC, you may recall. And because of tremendous problems that we had and the outcry of our people who do not work here, we reinstated IRRC. And it was also suggested that maybe we should do away with the Crime Commission because the Sons of Italy oppose the Crime Commission. And I guess maybe I can make some mention of that because my family comes from Italy. My dad's family was born and raised in Italy, as was my mother's family born and raised in Italy, so when you talk about the Sons of Italy, I think I can talk about that with a great degree of interest and concern about what may happen to the Italian-American people in Pennsylvania, and, indeed, in this great country of ours.

But that is not what this is all about, Mr. President. This is all about a commission that was established by the General Assembly as a tool of the General Assembly, and if for some reason they have not done their job, then the only individuals who are responsible for that is not the Crime Commission but, indeed, the Members of the General Assembly. And I will state to you, Mr. President, that in the years that the Crime Commission has been in existence, there has been an annual report filed every year. I wonder how many of us have had the opportunity of trying to get through the sensationalism of the annual report and start to get down to the information that was given in that annual report about how we may better meet the issue of crime in Pennsylvania, whether it be violent crime or whether it be white- or blue-collar crime, or whether it be drug activity on the streets of the various types of groups. And I wonder if our Committee on Judiciary over those years, and the people basically who are responsible and serve on that committee, have ever tried to implement any of their recommendations or suggestions into law over the course of the years of the Pennsylvania Crime Commission. And if we did not do that, then whose fault is it? Is it the five members who serve on the Crime Commission - four appointed by the Members of the General Assembly and one appointed by the Governor - or is it the responsibility of the Members of the General Assembly to implement those programs?

And, as the gentleman from Allegheny, Senator Fisher, said, in 1985 the Legislative Budget and Finance Committee did go ahead and do a financial audit. Well, in this particular case we are asking for a performance audit and not a financial audit, but if, in fact, they did that in 1985, did we go ahead as Members of the General Assembly and look at their recommendations for the purpose of implementation, Mr. President, or did we once again ignore the activities and the actions of the Crime Commission?

Mr. President, I have to ask why, in fact, did we not take action before? Why did we not look at a creature of the legislature? Why did we not look at an arm or a tool of this legislative body and address the issue prior to December of 1993, when we are here dealing with the funding mechanism?

And I have also heard mentioned over and over the fact that perhaps the State Police could do a better job. Well, if I understand the amendment that came from the House of Representatives which would extend the life for a 6-month period of time, yet have the Commissioner of the Pennsylvania State Police serve as the chairperson of the Crime Commission during that 6-month period of time, I have to then reflect back in some of my own reading that the State Police Commissioner, in fact, cannot do some of the things that the chairman of the Crime Commission can do.

For example, the Pennsylvania State Police cannot give out a subpoena, currently. The Crime Commission can. The chairman of the Crime Commission must sign the subpoena in order to conduct an investigation. If we are going to have the Commissioner of the Pennsylvania State Police serve as the chairman of the Crime Commission, can that chairman of the Crime Commission, who is also the Commissioner of the State Police, sign a subpoena, violating the office that he has as Commissioner of the State Police, yet carrying forward on his position as given to us from the House of Representatives as being the chairman of the Crime Commission?

And then, Mr. President, the question was asked, what has the Crime Commission done? They have never made one constructive recommendation or suggestion. What are we afraid of? Is there a reason why we, as Members of the General Assembly, do not want to reenact the Crime Commission for some particular reason? The Philadelphia Daily News, December 8, 1993, has an article that talks about extortion charges and how the Federal grand jury, if you will, indicted a group of individuals who were running massage parlors and how they paid off a former member of the police department in the city of Philadelphia. And the reference is made that the Pennsylvania Crime Commission, which referred the case to the Federal authorities, has identified the individuals who were involved in the street gang, and it started in New York City. That was on December 8, 1993, just last week, and it was reported in the Philadelphia Daily News that a recommendation made by the Pennsylvania Crime Commission to the Federal grand jury brought about an investigation and an indictment.

Mr. President, the gentleman from Allegheny, Senator Fisher, talked about the fact that I stated in the Committee on Appropriations on Wednesday that if you read 50 articles, 25 will be in favor of keeping the Crime Commission and 25 will be against. If you listened to eight speakers on the floor of this Senate tonight, four speakers are in favor of the Crime Commission, four speakers are against the Crime Commission. The amendment that has been offered tonight by the gentleman from Bucks, Senator Lewis, on the floor purely and simply states this, in contrast to what was stated here on the floor earlier this evening, that the Crime Commission will stay in existence through December 31 of 1994. That is one year. That

the Crime Commission will be funded only until June 30 of 1993. That is 6 months. Only to the end of this fiscal year, the exact same thing that was stated in the amendment that was passed by the House of Representatives. The only difference is that we are asking the Legislative Budget and Finance Committee, the committee that we have entrusted, when the sunset provision in Pennsylvania was made law, to make recommendations to the Senate and to the House of Representatives, chaired by the gentleman from Indiana, Senator Stapleton, and the vice chairman of that committee is the gentleman from Delaware, Senator Bell. All Members of the General Assembly serve as members of that commission, appointed by the respective leaders, asking for a recommendation by our peers to tell us what they think should happen with the Pennsylvania Crime Commission, after doing the proper type of performance audit. What is so wrong with extending the life of a commission whose main job is to report back to the General Assembly about crime in Pennsylvania and saying that we want to make an intelligent decision, that we want a report given back to us by September 30 of 1994, so that we can say not based on someone's feelings, personal feelings here, not based on some of the comments that we have read in the newspapers or some of the telephone calls that many of us have received, but based on fact, whether we should or should not keep the Crime Commission?

I rise to support the amendment of the gentleman from Bucks, Senator Lewis.

LEGISLATIVE LEAVES

The PRESIDENT. There are additional requests for leaves. First, the Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I request temporary Capitol leaves for Senator Salvatore and Senator Peterson.

The PRESIDENT. Senator Jubelirer requests temporary Capitol leaves for Senator Salvatore and Senator Peterson. The Chair hears no objection. Those leaves will be granted.

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

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Bodack and Senator Dawida. The Chair hears no objection. Those leaves will be granted as well.

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

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

Senator FUMO. Mr. President, I just wanted to set the record straight on a few issues that have just been raised.

I never said we should not vote to keep the commission because of the Sons of Italy. What I said was that the executive director, at a hearing today, lied to me about contacting the Sons of Italy. I said we should not keep the commission because it has an institutional bias against a segment of our population which has not been cleansed from it during the 15 years that I have been here.

Mr. President, in addition, to think that this Crime Commission or any Crime Commission could have prevented the racist nut in New York from killing people on a train is folly. Mr. President, they do not have anything to do with each other.

And finally, Mr. President, I believe that the Daily News was quoted. In an editorial that appeared May 6, 1993, the Daily News called for the abolishment of the Pennsylvania Crime Commission, and it said, among other things, "With its usual widely, unfounded evidence from unidentified and possibly imaginary informants - a convicted loanshark and a talking corpse - the commission's top two G-men, Michael Reilly and Charles Rogavin, pointed to Preate as the kingpin of a scheme to shake down video poker operators for campaign money. Senator Fumo had a laser-accurate reading on this dog-and-pony show. The Senator called it 'bull--'" and I believe we have already found a polite word for the rest of that quote.

"It is beneath contemptible to throw mud at a man while as much as admitting that you have no evidence. It is even worse to do so merely to protect a few unearned paychecks."

Mr. President, that is from the editorial board of the Philadelphia Daily News. It goes on and on and it says the commission has not put up, it is time to shut up and get real jobs.

Thank you, Mr. President.

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

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

YEAS—16

Andrezeski	Dawida	Lincoln	Reibman
Belan	Jones	Mellow	Shaffer
Bodack	Lemmond	Musto	Stapleton
Bortner	Lewis	O'Pake	Tilghman

NAYS—30

Afflerbach	Greenleaf	Mowery	Salvatore
Armstrong	Hart	Pecora	Schwartz
Baker	Heckler	Peterson	Shumaker
Bell	Holl	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stinson
Corman	LaValle	Rhoades	Stout
Fisher	Loeper	Robbins	Wenger
Fumo	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 second consideration?  
It was agreed to.

Ordered to be printed on the Calendar for third consideration.

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 889 CALLED UP OUT OF ORDER**

**SB 889 (Pr. No. 972)** -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, as a Special Order of Business, by Senator LINCOLN.

**BILL REREFERRED**

**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.

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

**ANNOUNCEMENT BY MAJORITY LEADER**

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

Senator LINCOLN. Mr. President, I would like to continue with the Calendar, getting back into regular order, but I would also appreciate it if a meeting of the Committee on Appropriations that is due to be called off the floor could begin and take place while we are running the Calendar.

The PRESIDENT. Prior to any further action, the Chair recognizes the Secretary for these announcements.

**SPECIAL ORDER OF BUSINESS**

**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to meet imminently to consider Senate Bills No. 432, 846, 889, and House Bill No. 1512.

The PRESIDENT. Would the members of the Senate Committee on Appropriations please convene in the Rules room at the rear of the Senate Chamber.

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

**HB 299** -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

**POINT OF PERSONAL PRIVILEGE**

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

Senator BELL. Mr. President, point of personal privilege. I think the temperature in this room is around 60 degrees, and anybody who is half frozen like I am, go on back where there is heat in that back room.

The PRESIDENT. The Chair notes the gentleman's temperature requirements and tends to agree with him. It is cold in here. The Chair has directed the Secretary to explore the matter forthwith.

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

**HB 437** -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 675 (Pr. No. 1611)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firemen's Relief Association Act, further providing for the purposes for which funds may be expended; authorizing cooperation agreements between volunteer firefighters' relief associations; 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—48**

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Schwartz
Baker	Hart	Mowery	Shaffer
Belan	Heckler	Musto	Shumaker
Bell	Holl	O'Pake	Stapleton
Bodack	Jones	Pecora	Stewart
Bortner	Jubelirer	Peterson	Stinson
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**

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

**BILL ON THIRD CONSIDERATION OVER IN ORDER TEMPORARILY**

**SB 1046 (Pr. No. 1437)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The PRESIDENT. On the question, does the gentleman from Lancaster, Senator Wenger, wish to be recognized?

Senator WENGER. Yes, Mr. President. Could the prime sponsor of the bill give a brief explanation of Senate Bill No. 1046?

The PRESIDENT. The gentleman from Indiana, Senator Stapleton, indicates that he will, and the gentleman is recognized.

Senator STAPLETON. Mr. President, this bill comes from the Department of Agriculture, and the bill expands the definition of domestic animals to include a number of other types of animals such as sheep, goats, pigs, dogs, cats, or foreign, or wild or semi-wild animals. As I indicated, it is from the administration and from the Department of Agriculture.

If there are any questions on it, I would--

Senator WENGER. Mr. President, does this bill include additional species of animals in the indemnity program?

Senator STAPLETON. Mr. President, it is my understanding that it does expand the definition of domestic animals. Clarification is made in reference to herds and flocks of animals or wild and semi-wild animals.

Senator WENGER. Mr. President, do we have any indication as to the potential for additional cost to the indemnity fund by including these new species of animals?

Senator STAPLETON. Mr. President, it is my understanding that there is no additional cost. In the remarks prepared by staff, I do not see any additional costs to this piece of legislation.

Senator WENGER. Mr. President, I really have no personal difficulty with the expansion of the additional animals into the indemnity program. I think the question that basically was raised was, do we, indeed, have enough funds in that program to make such an expansion, and if not, do we have any plans for making provisions to put the needed funds in the program so that those domestic animals that are already included in that program will not be in jeopardy as far as potential indemnity is concerned?

Senator STAPLETON. Mr. President, I would say to the gentleman that I would appreciate it if we would pass the bill here, and if the gentleman has a direct question in that respect, I will be pleased to try to address that when it goes to the House, and if he has any suggestions on it at the present time, is he prepared with any amendments at this time?

Senator WENGER. Mr. President, I have no amendments at this time. The questions that were raised by some of the Members on this side dealt with the question, have we made provisions, do we have enough funds in the indemnity program to make this expansion, and if we do not, what our provisions were, and so that was the reason for the interrogation, Mr. President.

Senator STAPLETON. Thank you.

The PRESIDENT. The Chair thanks the gentlemen for the colloquy.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, it is not my intent to debate the bill, but I think perhaps this might be one we want to wait until the Members of the Committee on Appropriations return. Some of them had questioned it in caucus, and I have no idea how they want to vote.

The PRESIDENT. The Chair would suggest, without objection, that we take the bill over temporarily while we await the return of the Committee on Appropriations members.

**LEGISLATIVE LEAVES**

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

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

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL LAID ON THE TABLE**

**SB 1089 (Pr. No. 1231)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for the construction of instruments, including statutes and certain other public and private documents; and making repeals of certain laws enacted through December 31, 1800.

Upon motion of Senator LINCOLN, and agreed to, the bill was laid on the table.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1101 (Pr. No. 1257)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates.

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	Schwartz
Baker	Hart	Mowery	Shaffer
Belan	Heckler	Musto	Shumaker
Bell	Holl	O'Pake	Stapleton

Bodack	Jones	Pecora	Stewart
Bortner	Jubelirer	Peterson	Stinson
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

#### NAYS—0

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

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

#### BILLS OVER IN ORDER

**SB 1384, HB 1432 and HB 1462** — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, before we go any further on the Calendar, could I request temporary Capitol leaves for Senator Fumo and Senator Afflerbach.

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

#### MOTION TO RECONSIDER SB 1190

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

Senator JUBELIRER. Mr. President, to make a motion, if I might.

Mr. President, because of new-found support which certainly came from the Chair, I move that we reconsider the vote by which Senate Bill No. 1190 was rereferred back to the Committee on Rules and Executive Nominations on December 6, 1993.

The PRESIDENT. Senator Jubelirer moves that the Senate do reconsider the vote by which Senate Bill No. 1190 was rereferred to the Committee on Rules and Executive Nominations.

On the question,

Will the Senate agree to the motion?

Senator JUBELIRER. Mr. President, so that the Members know what it is, this is the bill that was referred to as the business tax cuts bill on which there was a difference of opinion as to the manner in which our colleagues on the other side of the aisle and we wanted to do the business tax cuts. This is a vehicle for an amendment. Recognizing your statement over the weekend, I thought perhaps it might be a good idea to at least let the Members have an opportunity to bring that bill back in order to once again see if we can come to an agreement on the most important issue of business tax cuts. And that is the reason, Mr. President, that I asked that we reconsider the vote and perhaps have a prospect for tax cuts here in the

Senate that we can move to the House before we recess for the holiday and before the first of the year.

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

Senator LINCOLN. Mr. President, I think that it is amazing that the Republican Leader would be so anxious to get a bill back before us that he has already voted "no" on twice, and I am a little bit amazed at the persistence in getting something up on which they can vote "no."

I also think that it is still just a tad premature. Tomorrow morning, in approximately 12 hours, we are going to hear from the Governor as to what the prospects are for revenues and spending, and give us some outline so that we can begin to deal with next year's budget. The argument on this side has been all along that the bill, as it is written, is revenue neutral as far as loss to the Commonwealth. We could give back a considerable tax decrease to business without doing anything else with amendments, but I think it is premature, and I would ask for a "no" vote on the motion to reconsider the vote by which the bill was sent to the Committee on Rules and Executive Nominations.

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

Senator JUBELIRER. Mr. President, I thought I explained to the body and to Senator Lincoln and the Chair that the purpose was to bring it back so that we could offer an amendment to it. Yes, we have not changed our position on the tax shifting part of it, but we would like to offer an amendment, and it appears to be a priority for the Democratic Members of the body. It is a priority certainly for the Republican Members of the body who have been trying now for almost 2 years to do this. It now appears to be a priority for the Chair, and I would think since it is a priority for all of us, we ought to at least have the vehicle back here and debate the issue and perhaps there will be some changes here. I think that the Chair's remarks in New York are much in line with what we have said, and I think that other Members of the Senate not on this side of the aisle probably want to have the opportunity to do that too. And that is the only reason. I am not for tax shifting, but I think that we at least ought to have the vehicle here. Boy, what a great Christmas gift it would be to Pennsylvania to be able to do some tax cuts and send it on to the House before we leave for the Christmas recess. And since we all seem to be at least awfully close, maybe if we bring that vehicle back, we will find a means by which all of us can agree and send a bill to the House.

That is the purpose, Mr. President, nothing else, and that is the reason for my motion.

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

Senator LINCOLN. Mr. President, we left this bill on the Calendar through the months of May and June, every day waiting for the so-called amendments coming from the Republican side of the aisle. They never materialized. If we would have done that, and there was a willingness on the part of the Majority at that time to deal with this issue in a compromising

manner, whereas the amendments would have been argued and possibly some of them would have been accepted, and if that would have happened, rather than giving somebody a Christmas present that really is meaningless, they could have had enough money saved during the past 6 months that they could have probably gone out and purchased a nice Christmas present.

I think it is still very premature. I think the Acting Governor's remarks in New York that I heard were that we are going to deal with this in a responsible manner after the budget is addressed tomorrow morning and through the whole budget process, and I think that if we are serious and we really do want to give not just a Christmas present but a long-term, substantial reduction in taxes to the business community, that doing it in the manner that we are talking about doing it tonight is not the right way of doing it. I am prepared, along with Governor Singel and the Members of the Democratic Caucus, to address this issue when the facts are before us and when we have an opportunity to make an intelligent, responsible decision, and for that reason I once again reiterate my position of voting "no" on this issue.

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

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

Senator STAPLETON. 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 JUBELIRER and were as follows, viz:

YEAS—24

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

NAYS—24

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

The PRESIDENT. Prior to announcing the vote on this motion and prior to casting a vote in this matter, by way of brief explanation, the Chair stands firmly in support of business tax reductions, and has said so very publicly. Those tax reductions, however, are contingent on a number of assumptions about the economy and about a transfer of revenues that must occur in order for us to be able to afford them. For the past several weeks, I have been working with Secretary Mike Hershock, Budget Secretary, to craft the numbers necessary for

the budget presentation that will be made tomorrow. I agree with Senator Lincoln that this is premature, given the fact that the business tax reductions have been proposed prospectively as part of the 1994-95 fiscal year budget. It would be only prudent for us to proceed carefully in assuring that the revenues exist for the business tax reductions. My belief is that they do, but they should be arrived at carefully in consultation with the General Assembly and developed over the course of the next several months for presentation as part of the fiscal year 1994-95 budget.

That being the case, the Chair can confidently and comfortably vote "no" on this motion.

YEAS—24

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

NAYS—25

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

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

The PRESIDENT. The motion fails and the bill will remain, at least for the time being, in the committee.

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

Senator TILGHMAN. Mr. President, I was interested in your speech in the middle of a vote, and I do not think we are in Petitions and Remonstrances.

The PRESIDENT. The Chair thanks the gentleman for his rather caustic comment but will correct the gentleman that when the Chair is about to cast a vote, it is entitled to make an explanation. It is part of the rules.

REPORTS FROM COMMITTEE

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

SB 432 (Pr. No. 460) (Rereported)

An Act designating an interchange under construction on Interstate 79 in Cecil Township, Washington County, as Southpointe Interchange; and designating a portion of State Route 1032 in Cecil Township, Washington County, as Southpointe Boulevard.

**SB 846 (Pr. No. 919) (Rereported)**

An Act amending the act of July 1, 1981 (P. L. 193, No. 58) entitled, as amended, "Clerk of Orphans' Court Fee Law," providing for the establishment and modification of fees; and providing for the imposition of an additional fee.

**SB 889 (Pr. No. 972) (Rereported)**

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.

**HB 1512 (Pr. No. 2262) (Rereported)**

An Act reenacting the act of July 9, 1984 (P.L.676, No.145), entitled "An act establishing within the Pennsylvania Higher Education Assistance Agency Regional Computer Resource Centers and Regional Computer Resource Center boards."

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 1046 CALLED UP**

**SB 1046 (Pr. No. 1437)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator LINCOLN.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1046 (Pr. No. 1437)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

The PRESIDENT. On Senate Bill No. 1046, the Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, a question was asked on the fiscal impact, and I would like to say that the Department of Agriculture has indicated that there will be minor costs for program implementation for 1993-94. The appropriation of \$200,000 which was in there should cover that. However, the analysis could be altered if there is any serious epidemic the department would have to cover.

Thank you.

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	Schwartz
Baker	Hart	Mowery	Shaffer
Belan	Heckler	Musto	Shumaker
Bell	Holl	O'Pake	Stapleton
Bodack	Jones	Pecora	Stewart
Bortner	Jubelirer	Peterson	Stinson
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.

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

**BILL ON SECOND CONSIDERATION**

**HB 1512 (Pr. No. 2262)** -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting the act of July 9, 1984 (P.L.676, No.145), entitled "An act establishing within the Pennsylvania Higher Education Assistance Agency Regional Computer Resource Centers and Regional Computer Resource Center boards."

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

**CONSIDERATION OF CALENDAR RESUMED**

**SECOND CONSIDERATION CALENDAR**

**BILLS REREFERRED**

**SB 1009 (Pr. No. 1112)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**SB 1327 (Pr. No. 1775)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing for the abolition of jury commissioners.

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

**BILL OVER IN ORDER**

**HB 1721** — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

**UNFINISHED BUSINESS  
DISCHARGE PETITIONS**

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

In the Senate, December 13, 1993

**A PETITION**

To place before the Senate the nomination of Katherine B. Emery as a member of the Board of Trustees of Western Center.

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 Katherine B. Emery, Canonsburg, Pennsylvania, as a member of the Board of Trustees of Western Center, 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, December 13, 1993

**A PETITION**

To place before the Senate the nomination of Mary F. Dixon as Prothonotary, Clerk of Courts and Clerk of Orphans' Court of Wyoming 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 Mary F. Dixon, Factoryville, Pennsylvania, as Prothonotary, Clerk of Courts and Clerk of Orphans' Court of Wyoming 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, December 13, 1993

**A PETITION**

To place before the Senate the nomination of Max M. Serafin as a member of the Board of Trustees of Polk Center.

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 Max M. Serafin, Oil City, Pennsylvania, as a member of the Board of Trustees of Polk Center, 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, December 13, 1993

**A PETITION**

To place before the Senate the nomination of Fred Schimelfenig as a member of the Industrial Board.

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 Fred Schimelfenig, Scranton, Pennsylvania, as a member of the Industrial Board, 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, December 13, 1993

**A PETITION**

To place before the Senate the nomination of Andrea Quigley as a member of the Board of Trustees of Hamburg Center.

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 Andrea Quigley, Harrisburg, Pennsylvania, as a member of the Board of Trustees of Hamburg Center, 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. These communications will be laid on the table.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Robert L. Bell, Sr., by Senator Armstrong.

Congratulations of the Senate were extended to Captain Ronald Carter, Jr., Connie Hawkins and to Franco Harris by Senator Bodack.

Congratulations of the Senate were extended to Florence Jones by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Pat Wykoff, Mr. and Mrs. Russell Bollman, Jr., Mr. and Mrs. Raymond H. Rathmell and to Mr. and Mrs. Richard Miliken by Senator Corman.

Congratulations of the Senate were extended to Sister Clara Muhammad School of Philadelphia by Senator Fattah.

Congratulations of the Senate were extended to Anna E. Evans and to Phillip Adam Lynch by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Rose, Mr. and Mrs. James Landry, Mr. and Mrs. Raymond A. Beveridge, Mr. and Mrs. William S. Lubich, Mr. and Mrs. Nelson H. Erb, Mr. and Mrs. Alex Zelazowski, Daniel Derikart and to Dorseyville Middle School Girls Basketball Team of Pittsburgh by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Politis, Mr. and Mrs. Thomas W. Powlus, Mr. and Mrs. Morris W. Trometter and to Mr. and Mrs. William Diggan by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. John A. McCartney, Mr. and Mrs. Oscar Hample and to Mr. and Mrs. William G. Kimmen by Senator Jubelirer.

Congratulations of the Senate were extended to Merle Bainbridge by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. C. Bernard Arnold by Senator Madigan.

Congratulations of the Senate were extended to the Valley View School District by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Jacob F. Bretz, Richard Manfredi, Brigadier General James R. Buggy and to Reverend Edward J. Tomczyk by Senator Rhoades.

Congratulations of the Senate were extended to David L. Smith by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth M. Mahen by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. James McMillen by Senator Stout.

Congratulations of the Senate were extended to Joseph J. McLaughlin and to Ursinus College of Collegeville by Senator Tilghman.

Congratulations of the Senate were extended to the Southwest Philly Steppers Drill Team by Senator Williams.

### BILLS ON FIRST CONSIDERATION

Senator LAVALLE. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 1443, HB 906 and HB 1679.**

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

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The gentlewoman from Philadelphia, Senator Schwartz, has left remarks at the desk for inclusion into this section of the Journal under Petitions and Remonstrances. Without objection, these remarks will be spread upon the record.

*(The following prepared statement was made a part of the record at the request of the gentlewoman from Philadelphia, Senator SCHWARTZ:)*

#### LETTER OF AGREEMENT BETWEEN BELL OF PENNSYLVANIA AND PCADV ON CALLER ID WITH BLOCKING AND ACR SERVICE

This agreement, negotiated by Barbara Hart, Judith Yupcavage and Morgan Plant, on behalf of PCADV, and Frank Buzydlowski and Patricia Beadling, on behalf of Bell of Pennsylvania, sets forth certain terms and conditions in the service offering of Caller ID with Blocking and Automatic Call Rejection Service to help assure the safety and privacy of victims of domestic abuse. Those terms and conditions are as follows:

1) Bell of Pennsylvania will offer the means by which a calling party can place a telephone call to a called party who has activated Bell of PA ACR (Anonymous Call Rejection) without the calling party's telephone number and other identifying information being passed to the Caller I.D. unit of the called party. The current means to accomplish this shall be through a live Bell Operator: When a caller places a call through a live Bell Operator, the calling number and other identifying information will not be passed to the called party. A subscriber to Caller I.D. who receives such a call currently receives an "out-of-area" indication. Bell will commit to continue the practice of not passing the number and other identifying information and will so specify in the tariffs filed to offer Caller I.D. Bell of PA reserves the right to offer alternative means to accomplish the intent of this paragraph but would do so by amending its applicable tariffs. It is stipulated that such amendments would be subject to appropriate PUC review.

2) If Bell of PA provides Operator Services for another Pennsylvania telephone company which offers ACR, Bell of PA will offer the means to place a live Operator-assisted telephone call as per paragraph "1" above.

3) Bell of Pennsylvania's live Operator surcharge will be waived for victims of domestic violence, the staffs of domestic violence program agencies (when involved in domestic violence counseling) and emergency services personnel (while in the performance of their job). This will be assured by a change in the Operator Services tariff and will be included in the Caller ID tariff. Bell of PA reserves the right to offer alternative means to accomplish the intent of this paragraph with respect to the individuals and agencies set forth herein.

4) Customer dialing instructions as to how to use Per-Call Blocking at Bell of PA public telephones will be provided at the site of Bell of PA public telephones.

5) Bell of PA will implement an educational program that shall include but not be limited to two (2) bill inserts, live information provided via the "We Can Help" 800 number, stickers and a PCADV-specific informational brochure. Bell of PA agrees to publicize the availability of the "We Can Help" 800 number to assist consumers in preserving consumer safety and privacy. Where appropriate, information will be made available in Spanish or in Braille.

6) This letter shall serve as a statement of intent that shall be conveyed to all members of the General Assembly prior to final passage of S.B. 860.

As a result of the above commitments, PCADV agrees not to oppose S.B. 860, P.N. 1723, nor to propose any amendments to SB 860, P.N. 1723, nor to oppose Bell of Pennsylvania's initial tariff filings for Caller ID with Blocking and ACR Services consistent with the terms of this agreement and with S.B. 860, P.N. 1723.

Daniel J. Whelan, Esquire  
Vice President  
Regulatory and Governmental  
Relations  
Bell of Pennsylvania  
Date: 12/1/93

Susan Kelly-Dreiss  
Executive Director  
Pennsylvania Coalition  
Against Domestic Violence

Date: 12/3/93

**UNFINISHED BUSINESS  
COMMUNICATIONS FROM THE  
ACTING GOVERNOR**

**NOMINATION 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 BOARD  
OF LANDSCAPE ARCHITECTS**

December 13, 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, Lois M. Quay, 560 Reynolds Street, South Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until June 19, 1994 and until her successor is appointed and qualified, but not longer than six months beyond that period, vice William H. Reed, Jr., Verona, resigned.

MARK S. SINGEL  
Lieutenant Governor,  
Acting Governor

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

December 13, 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 September 21, 1993 for the appointment of Jean E. Brannon, 116 Locust Way, Dillsburg 17019, York County, Thirty-third Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1994 and until her successor is appointed and qualified, vice Barbara B. DeFrees, Warren, deceased.

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 COUNCIL OF TRUSTEES OF  
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION**

December 13, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 29, 1993 for the appointment of Jean E. Brannon, 116 Locust Way, Dillsburg 17019, York County, Thirty-third Senatorial District, as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1995, and until her successor is appointed and qualified, vice Howard B. Johnson, Exton, 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 PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY**

December 13, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 3, 1993 for the appointment of Patrick Beaty, 202 Gettysburg Street, Dillsburg, 17109, York County, Thirty-first Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice John J. Curran, Esquire, Orwigsburg, 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 ENVIRONMENTAL  
HEARING BOARD

December 13, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 23, 1993 for the appointment of Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, as a member of the Environmental Hearing Board, to serve for a term of six years and until his successor is appointed and qualified, vice Terrance J. Fitzpatrick, Esquire, Hummelstown, resigned.

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

MARK S. SINGEL  
Lieutenant Governor,  
Acting Governor

CORRECTIONS TO NOMINATIONS  
REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

December 13, 1993

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

Please note the nomination dated August 13, 1993 for the appointment of Theresa Andreozzi, 15 East Mercer Avenue, Havertown 19083, Delaware County, Twenty-sixth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 1995, and until her successor is appointed and qualified, vice Patricia Jenkins, Esquire, Media, resigned, should be corrected to read:

Theresa Andreozzi, 15 East Mercer Avenue, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 1995, and until her successor is appointed and qualified, vice Patricia Jenkins, Esquire, Media, resigned.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

December 13, 1993

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

Please note the nomination dated August 13, 1993 for the reappointment of William A. Moyer, V.M.D., 105 Ridgeway Lane,

Kennett Square 19348-1721, Chester County, Thirty-sixth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

William A. Moyer, V.M.D., 105 Ridgeway Lane, Kennett Square 19348-1721, Chester County, Ninth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess adjournment.

BILLS 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:

December 13, 1993

Senators RHOADES, REIBMAN, HELFRICK, O'PAKE and SHUMAKER presented to the Chair **SB 1462**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for agricultural education programs; and creating an Advisory Council on Agricultural Education.

Which was committed to the Committee on EDUCATION, December 13, 1993.

Senator RHOADES presented to the Chair **SB 1463**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increases to annuitants.

Which was committed to the Committee on STATE GOVERNMENT, December 13, 1993.

Senators RHOADES, TILGHMAN, LAVALLE, HELFRICK, O'PAKE, REIBMAN, BELAN, SALVATORE, GREENLEAF and SHUMAKER presented to the Chair **SB 1464**, entitled:

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), entitled "Lottery Fund Preservation Act," further defining "income" to exclude certain veteran disability payments.

Which was committed to the Committee on FINANCE, December 13, 1993.

Senators RHOADES, HART and HECKLER presented to the Chair **SB 1465**, entitled:

An Act providing for the Office of State Inspector General and for the powers and duties of the office.

Which was committed to the Committee on STATE GOVERNMENT, December 13, 1993.

Senators GREENLEAF, ROBBINS, HELFRICK, PUNT, RHOADES and HART presented to the Chair **SB 1466**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for authority to erect traffic-control devices.

Which was committed to the Committee on TRANSPORTATION, December 13, 1993.

Senators GREENLEAF, ROBBINS, HELFRICK, PUNT and RHOADES presented to the Chair **SB 1467**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for authority to erect traffic-control devices.

Which was committed to the Committee on TRANSPORTATION, December 13, 1993.

Senators GREENLEAF, HART, HOLL, JONES, O'PAKE, RHOADES and SCHWARTZ presented to the Chair **SB 1468**, entitled:

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

Which was committed to the Committee on JUDICIARY, December 13, 1993.

Senators GREENLEAF, FISHER, AFFLERBACH, HART, HECKLER, RHOADES and WENGER presented to the Chair **SB 1469**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "tangible personal property"; providing for the imposition of tax on the sale or use of new manufactured housing and mobile homes; and providing for the imposition of State realty transfer tax on prebuilt housing.

Which was committed to the Committee on FINANCE, December 13, 1993.

Senators GREENLEAF, HART, HECKLER and RHOADES presented to the Chair **SB 1470**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for an education and training program for members of planning commissions and zoning hearing boards.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, December 13, 1993.

Senators GREENLEAF, HART, MUSTO, O'PAKE, RHOADES and TILGHMAN presented to the Chair **SB 1471**, entitled:

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), entitled "Lottery Fund Preservation Act," further defining "maximum annual income"; and further providing for responsibilities of the Department of Aging.

Which was committed to the Committee on FINANCE, December 13, 1993.

Senators GREENLEAF, RHOADES, HELFRICK and TILGHMAN presented to the Chair **SB 1472**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for final best-offer arbitration.

Which was committed to the Committee on EDUCATION, December 13, 1993.

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 14, 1993

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Resolution No. 14; and House Bill No. 1827)	Room 461 4th Floor Conf. Room
<u>POSTPONED</u>		
9:30 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 1153; House Bills No. 116 and 1718; and 1993 Surplus Property Disposition Plan)	Room 14 East Wing
10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 1248 and 1400)	Room 8E-A East Wing
12:00 P.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No.244, 260, 315, 519, 661, 672, 967, 974, 1061, 1172, 1190 and 1213; and House Bills No. 576, 695, 697, 878, 1003 and 1011)	Rules Com. Conf. Rm.
12:30 P.M.	APPROPRIATIONS (to consider Senate Bills No. 139, 162, 177, 179, 184, 185, 216, 220, 222, 241, 243, 257, 262, 292, 296, 311, 313, 339, 348, 376, 378, 382, 393, 409, 422, 427, 429, 432, 433, 460, 467, 470, 471, 485, 512, 527, 560, 595, 620, 638, 647, 658, 678, 689, 699, 709, 711, 715, 717, 722, 723, 738, 743, 829, 836, 846, 867, 877, 910, 918, 952, 953, 956, 971, 986, 993, 1026, 1028, 1035, 1036, 1041, 1059, 1062, 1079, 1100, 1183, 1235, 1256, 1314, 1315, 1332, 1333, 1419, 1429, 1432, 1447; and House Bills No. 15, 22, 103, 105, 149, 337, 351, 450, 464, 550, 558, 589, 673, 816, 1080, 1260, 1262, 1422, 1512, 1898 and 2091)	Room 461 4th Floor Conf. Room

**PETITIONS AND REMONSTRANCES**

(Continued)

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

Senator JUBELIRER. Mr. President, did we miss Petitions and Remonstrances somewhere?

The PRESIDENT. We have already passed by that order of business, but the Chair would be delighted to hear from the gentleman from Blair.

Senator JUBELIRER. Thank you. I knew you would want to hear what I had to say.

The PRESIDENT. I cannot imagine anything that would thrill me more at this moment.

Senator JUBELIRER. I am sure, Mr. President.

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

Senator JUBELIRER. Thank you, and I promised the gentleman from Fayette, Senator Lincoln, that he would be back in time for the Steeler kickoff, so I cannot be very long, because, frankly, I do not want to incur his wrath anymore.

But, Mr. President, I think it is important to discuss the previous motion I made so that we could bring back Senate Bill No. 1190 to once again bring back the debate on business tax cuts. And I might point out, Mr. President, I believe that the Chair's remarks were in order and it was appropriate for the Chair to explain why he voted "no" to reconsider Senate Bill No. 1190 on the issue of business tax cuts.

And frankly, Mr. President, it was not our intent to make such a motion until I had the opportunity to hear the Chair in New York on Saturday at the Pennsylvania Manufacturers Association luncheon and read the press release in which the Chair said, in a preview of budget remarks that it was going to be making, that sweeping reductions in taxes are necessary to help create jobs for Pennsylvanians and to prepare the economy for the 21st century. The Chair indicated that tax reductions will be necessary to free up revenues to provide the stimulus to protect, attract, and create jobs in a high-tech world. The Chair indicated that it wanted to see a reduction in the CNI - corporate net income tax - to below 10 percent phased in over the next 3 years and reduce the capital stock and franchise tax to a similar level. The Chair indicated that it would welcome a restoration of the net operating loss tax credit if, and only if, the lost revenue can be replaced with new incentive and disincentive taxation that rewards progress and efficiency in taxes, pollution, and waste.

Mr. President, I could have probably put that release out under my own name, and I felt that we had a significant agreement, and the reason that we did this was because we felt that the Chair had joined our cry for sweeping tax reductions, which is the Chair's term, and we felt that this was the opportunity to bring about the State debate on that issue. We cannot keep saying tax shifting and call it sweeping tax reductions. And so I felt that if the Chair had the opportunity, it might be well to bring that bill back and allow us to at least keep it in front of us so that we can negotiate and perhaps find a middle ground, if we might, to be able to have the debate go on.

I recognize tomorrow we will be told the fiscal condition of Pennsylvania. I had, frankly, and it is another subject but I have to say it, the thrill and goose bumps of talking to Governor Casey today, as he indicated to me by phone that he

would be returning next week to assume the duties of Governor, and that he had been familiar with what Secretary Herschok was going to present tomorrow, so I assumed that just by bringing this bill out, certainly we were not going to be passing anything today. We would hear tomorrow and perhaps have the opportunity, so that we had the bill back, to be able to at least begin to send a signal, send a signal to the business community that all of us - Democrat, Republican, House, Senate, Governor, Lieutenant Governor - all of us are prepared to join together in a bipartisan effort to, as the Chair indicated, have sweeping reductions in taxes to help create jobs for Pennsylvanians and to prepare for the economy of the 21st century. I agree with you, Mr. President. That is exactly what we need to do, but we cannot do it if the Chair will not give us the opportunity and at least talk to your colleagues on the other side of the aisle to give us a vehicle to be able to do that. And with an affirmative vote today, that vehicle would have been before us, but since the Chair chose to vote "no," Mr. President, I can only say you cannot have it both ways. Nothing would have happened. It was not premature. It is timely. The Chair thought it was timely this past weekend. We think it is timely and the time is now. The longer we wait, the worse the signal gets to the business community that we really are not sensitive to their needs and concerns.

And so, Mr. President, there will be other opportunities, I am sure, and we will continue to press the issue. Our Caucus is ready to move on sweeping tax reductions, as the Chair put it, not tax shifting, and I am pleased that the Chair did not put that in there because that really is not sweeping tax reductions at all.

Mr. President, we stand ready to cooperate with the Chair, with Governor Casey, with our Democratic colleagues on the other side of the aisle to find a way to cooperate in a bipartisan spirit to accomplish those sweeping tax reductions and send a signal once and for all that Pennsylvania is indeed ready to compete for businesses within the Commonwealth and outside the Commonwealth as well.

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

Senator LINCOLN. Mr. President, I see the Chair is a little uncomfortable because the Chair is a combative person and is being kind of hamstrung, but the only thing I want to say to the Chair is I think the gentleman from Blair, Senator Jubelirer, just paid you the biggest compliment I have ever seen, because he happened to listen to six "wannabes" in the Republican Party who want to be Governor so badly that they want to be telling me everything in the world that is wonderful, and he came back here after listening to those six "wannabes" and the only person whom he remembered what they said and the only person whom he felt some obligation to try to bring forward their ideas was the most responsible person who spoke the whole day at that PMA luncheon. And I think that he has complimented the Chair to some extent, even more than he might recognize himself. And if I were he, after listening to Ridge, Fisher, Hafer, Katz, Baker, and Preate, I probably would want to pick on what the Chair said too, because what

they said, that room has not been full of B.S. like it was full of B.S. that day, and they are still shoveling it out, and there is no way, after listening to those six, that you could come up with any conclusion as to what you would want to take from that side of the aisle's candidates for Governor.

So I think the Chair has been complimented beyond belief, and I thank Senator Jubelirer for pointing out the responsible position that I heard in New York over this weekend.

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

The PRESIDENT pro tempore. Mr. President, I find myself in the last several weeks taking to the microphone more than I have in the past year, and I guess maybe that is because we are now trying to deal and talk about some of the things, the substantive issues that I have been so very much interested in.

It is quite obvious that the gentleman from Blair, Senator Jubelirer, and his Republican colleagues are starting to feel the heat of on two different occasions now on this Senate floor having the opportunity to vote for a tax reduction for business, and instead on two occasions they decided to vote against it, and by invoking a unit rule in their Caucus, meaningful tax reduction for business which could have taken place in June did not take place, meaningful tax reduction that we could have started to implement here in this Senate last week did not take place; in both cases, Mr. President, because the Republican Party in this Senate chose to say one thing orally out of this Chamber, and say a different thing by expressing their vote orally in this Chamber, and you cannot have it both ways, Mr. President. Either you are going to have it, it is either Jackson or Johnson. You cannot have it both ways. You cannot speak out of both sides of your mouth at the same time, talk about business tax reductions, have the opportunity of putting your vote up on this floor to bring about a business tax reduction, and then consistently vote "no," and then on the eve before we are going to have the presentation by the administration as to what we can expect in next year's budget, have some type of an indication where there may be a reduction in business taxes and think they are going to go ahead and one-up the administration and one-up the Senate Democrats by saying tonight we want to consider tax reduction. You just cannot have it both ways. It does not work that way.

And I feel a little bit sorry for the Chair, Mr. President, because as the Chair and I just joked, it is like you are up there in a boxing ring and you are trying to use a little bit of footwork so you do not get hit with the punch, but both hands are tied behind your back and somebody is jabbing you in your face and you cannot respond, and I am telling you, that is a profile in courage. I could not believe what I was hearing when I was sitting in my office. If the Republicans wanted to bring about meaningful tax reform, first of all, they would not have put up seven votes 2 years ago to increase business taxes, number one. Secondly, they had the opportunity on two different occasions so far in 1993 to reduce business taxes by the vehicle of Senate Bill No. 1190, and for some reason on both particular occasions they chose not to do that. For some reason they would like the conventional thinking in this State to be

that if you are a Democrat, you are a do-good liberal and all you do is vote to increase taxes on both the Pennsylvania personal income taxpayer and the business taxpayer, and if you are a Republican, that you are an ultra-conservative and all you do is vote to cap expenditures, you vote to reduce taxes both on businesses first and also on personal income tax, and nothing, Mr. President, could be further from the truth.

And I am very, very happy that we are getting closer and closer to the day when this Chamber will have live television coverage, because then the people of Pennsylvania are actually going to be able to see what happens on the floor of the Senate vis-a-vis what happens when certain Members try to travel throughout this Commonwealth saying, we want a business tax reduction. We want to cap expenses. We want to hold down what budgetary expenses we have in Pennsylvania. They say that back in their districts, but when it is on the floor of this Senate, they do not reflect their rhetoric in their district into their vote here in this Senate. And as I said, Mr. President, I am a little disappointed because I am the prime sponsor of Senate Bill No. 1190, but I can assure Senator Jubelirer that the time will come again in the not too distant future where he once again will have the opportunity to vote, if he so chooses, to reduce business taxes.

Thank you.

#### ADJOURNMENT

The PRESIDENT pro tempore. Mr. President, I move that the Senate do now adjourn until Tuesday, December 14, 1993, at 1 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:07 p.m., Eastern Standard Time.