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179TH OF THE GENERAL ASSEMBLY

No. 31

SENATE

WEDNESDAY, May 3, 1995

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

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

PRAYER

The Chaplain, Reverend HAROLD EASTER, of Salem Evangelical Congregational Church, Lenhartsville, offered the following prayer:

Let us pray.

Almighty and sovereign God, we call upon Your benevolent favor and Your wisdom this day. May Your spirit guard the hearts and the minds of Your honorable servants. We humbly request Your guidance over these proceedings in accordance to Your perfect will. I invite Your omniscient presence and invoke Your blessing on the business now before the Senate and upon our great Commonwealth. Amen.

The PRESIDENT. The Chair thanks Reverend Easter, who is the guest today of Senator O'Pake.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 2, 1995.

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 1, 11, and 12, as well as certain nominations.

BILL IN PLACE

Senator O'PAKE presented to the Chair a bill.

LEGISLATIVE LEAVES

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

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Tilghman.

The PRESIDENT. Senator Fisher requests a legislative leave for Senator Tilghman. Without objection, that leave will be granted.

The Chair also recognizes the distinguished gentleman from Allegheny, Senator BODACK.

Senator BODACK. Mr. President, at this time I request legislative leaves for Senator Dawida, Senator Fumo, and Senator Williams, as well as temporary Capitol leaves for Senator Hughes and Senator Stout.

The PRESIDENT. Senator Bodack requests temporary Capitol leaves for Senator Hughes and Senator Stout, and legislative leaves for Senator Dawida, Senator Fumo, and Senator Williams. Without objection, those leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

SB 397 CALLED UP OUT OF ORDER

SB 397 (Pr. No. 410) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 397 (Pr. No. 410) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of S.R.8001, S.R.0422 and S.R.4005 in Indiana County as Jimmy Stewart Boulevard.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator STAPLETON. Mr. President, I want to thank the gentleman from Delaware, Senator Loeper, for bringing up this piece of legislation at this time.

As you know, Jimmy Stewart was born and raised in Indiana and he will be celebrating, I believe, his 87th birthday on the 20th of this month. No, I did not go to school with him. He was a few years ahead of me.

(Laughter.)

The PRESIDENT. Thank you for pointing that out, Senator.

Senator STAPLETON. But he plans on being back in Indiana, Mr. President. His health is not too good, so he may not make it. But Wayne Avenue in Indiana is going to be named Jimmy Stewart Boulevard, and certainly the citizens from Indiana County and Indiana deeply appreciate this.

Thank you very much.

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—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

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
GUESTS OF SENATOR MICHAEL A.
O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, I just wanted to point out that our guest Chaplain today has had a very, very interesting career. Before he was a minister he was in local law enforcement and served as a police officer in this very area. As a matter of fact, he continues to use those skills in teaching at

the police academy. So, Pastor Easter, we thank you for your effort at attacking crime in the area, and we are pleased that you are here.

Also, a guest Page today is Pastor Easter's son. Tim Easter is a senior at Hamburg Area High School. He is a county wrestling champion and will be attending Messiah College in the fall. He is an excellent student and a very fine young man overall. So I would like the Chair to recognize the guest Page of the day, Tim Easter, and commend our pastor for his very distinguished career.

The PRESIDENT. Would our guests please stand for a moment so that the Senate can give you its usual warm welcome.

(Applause.)

**GUESTS OF PRESIDENT PRO TEMPORE
PRESENTED TO THE SENATE**

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

The PRESIDENT pro tempore. Mr. President, I am extremely pleased to have all the way from St. Louis, Missouri, the senior vice president of operations and the vice president of international finance from Berg Electronics. Ron Hull is the senior vice president of electronics, and Jim Moyle is the vice president of international finance.

Berg Electronics, a company which is currently in the Sunny Day projects that we are going to vote on momentarily, along with Bush Industries, currently has facilities in Emigsville in York County, Clearfield, and Hazleton, employing some 1,100 people in Pennsylvania. If the Sunny Day bill passes today and in the House next week, we will have in the next couple of years 600 new employees in this State.

Mr. President, I would ask that the Members extend their good wishes to Ron Hull and Jim Moyle from Berg Electronics from St. Louis, Missouri.

The PRESIDENT. Would our guests please rise so that we may acknowledge you.

(Applause.)

**GUESTS OF SENATOR ROBERT T.
TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, at this time I would like to introduce some fellow Bucks Countians who traveled up here today to visit the Capitol. I would like to introduce to you Kim Scarpiello, the tax collector from Falls Township, and her son, Andy. I would also like to introduce to you her mother, Carol Ullis, the former personnel manager for the Neshaminy Manor Home in Bucks County.

I would also like to introduce someone they brought up with them all the way from Croydon, England, who is an exchange student living and studying in this country for a year. She is residing with the Scarpiello family in Falls Township. Anna Vigurs is from Croyden, England, and we had her on the floor a little bit earlier, before Session, to show her the great portrait

of the little bit of tyranny that was going on in this country against her home country, Great Britain.

Would the Senate please give them a warm welcome.

The PRESIDENT. Would our guests please rise.

(Applause.)

The PRESIDENT. And we are happy to receive the visitors from Bucks County.

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

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

Senator ROBBINS. Mr. President, I am pleased today to introduce two German exchange students who are serving as guest Pages in the Senate this week. Caroline Dorn, who is a resident of Stuttgart, Germany, is the daughter of Helge and Erika Dorn. Caroline arrived in the United States last summer and is completing her studies as a senior at Greenville High School. She is accompanied by her American host mother, Starr Smart, of Greenville.

Ruth Eigmuller is a resident of Berlin, Germany, and is the daughter of Alexander and Berta Eigmuller. Ruth also arrived in the United States last summer and is in her senior year at Greenville High School. Her American host family is Carl and Kathryn Myers of Greenville.

The PRESIDENT. Would the guests of Senator Robbins please rise so we may give you our usual warm welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, OVER IN ORDER TEMPORARILY ON FINAL PASSAGE

SB 933 (Pr. No. 989) — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1995-1996.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Mr. President, Members of the Senate, we have on the Calendar today an extraordinarily important piece of legislation, not that the others are not, but this is a Sunny Day bill, Senate Bill No. 933, and I hope that every Member of the Senate will vote for this most significant piece of legislation. I would like to make a few comments about one of the two projects contained in the bill. I suspect that the gentleman from Erie, Senator Andrezeski, may have some thoughts about the one up in Erie County.

Mr. President, anytime Pennsylvania can attract a firm willing to create over 500 good jobs in a growth industry, new

construction, in an area that has 13 percent unemployment, I have to tell you, that is great news. When Berg and the administration and all the players who were trying to put this project together, and it began last year, announced that they were coming to Huntingdon County, it was like water to a dying man in the desert. Thirteen percent unemployment in Huntingdon County, Mr. President, and we are talking about some of the best jobs you could have. It is terrific news when that industry chooses to locate in a county that has suffered tremendous economic hard times for a prolonged period of time. At the time the Sunny Day Fund was created, this is exactly the sort of project that legislators, Republicans and Democrats, contemplated attracting to Pennsylvania, and frankly, Mr. President, I would be remiss if I did not single out the late former Speaker and then Majority Leader, James Manderino, who wanted to make a Sunny Day project when we came up with the Rainy Day Fund.

Berg Electronics has picked Pennsylvania for some very important reasons: the quality of workers in Pennsylvania, the transportation access, and confidence that recent efforts to improve the business climate will continue to improve. They could have gone elsewhere. They were being wooed very heavily by the State of North Carolina, but they chose to come to Pennsylvania because of the reception they received here. This project was also the first real test of the ability of Governor Ridge and his team to make Pennsylvania job friendly.

This was a difficult puzzle to put together. We dogged this project in my office, Mr. President, for some 9 months, not just from the standpoint of the many economic development programs employed, but because a number of environmental hurdles had to be overcome. And, Mr. President, they were tough. And not only Governor Ridge was involved, but Secretary Seif from DER and, of course, Secretary Hagen, and the Governor's response team as well. Problems in the past that might have tied things up for months or even years, sacrificing opportunity, were, in this instance, problems solved in a matter of weeks.

The Sunny Day bill contains a description of an outstanding State commitment. Not written in the bill, but equally important, is that local officials in communities move fast and decisively to make this partnership work. Not only is Berg committed to go to Huntingdon County, Pennsylvania, but there will be other industries that are waiting for this groundbreaking to occur. Berg is ready to break ground in the next couple of weeks, but other industries are going to follow them because they are there.

I mentioned this to people at AMP a few weeks ago at the Business Roundtable, and the chairman of the board mentioned that that is their main competition, but they are delighted that they are coming to Pennsylvania again, because as I indicated when I introduced them, they are already in York County, in Hazleton in Luzerne County, and in Clearfield in Clearfield County.

Mr. President, this was a demonstration that an area still struggling economically will rise to the occasion if only they have a chance. Just give them an opportunity and the people of this State will say, give us the jobs. Groundbreaking for

construction is imminent, awaiting only approval of this legislation, which can be passed this week, and since the House of Representatives is in next week, we have been assured that the legislation will be considered by the House and sent to the Governor forthwith.

For people in Huntingdon County, the spin-off benefits should be extraordinary. More than anything, the hopes and the efforts of many people who have worked hard to create opportunity are now paying off. I had a letter from someone in Huntingdon County saying that they had just about given up that they would ever have anything like this happen, and how exciting it is. Those letters indicate a new spirit, a new hope to people young and old that we can bring our kids back to our home county to have a good job, that they do not have to leave the area or commute an hour each way to find a good job, or any job. Much of what we do in the name of economic development is hard to quantify, Mr. President, or to measure a direct result, but the projects in this bill - Berg Electronics, and Bush Industries in Erie, Pennsylvania - provide evidence that we are headed in the right direction and that Pennsylvania has assets in labor force and infrastructure that are still in demand.

The virtue of the Sunny Day Fund, besides its status as a deal clincher for the Commonwealth, has been the tradition of bipartisan support for the projects, irrespective of whether the Governor is a Republican or a Democrat, irrespective of where the projects are located. The reason is simple: When new jobs come to Pennsylvania, it is a win-win situation for our economy, for our communities, and most important, for our workers. When we talk about attacking the problems that deal with crime in this State or in this nation, surely, Mr. President, the creation of jobs so that everybody can have dignity working for a paycheck is the number one cure. This is a timely and significant investment in jobs and opportunity.

Mr. President, I urge the support of every Member of the Senate at this time and hope that we will once again welcome a new corporate neighbor. And as I indicated, they are here today watching this process and, hopefully, they will understand that we can cooperate in bringing new jobs to this Commonwealth.

Mr. President, Members of the Senate, thank you for the opportunity to make these remarks. It is an exciting time in the lives of the people of Huntingdon County. Thank you.

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

Senator MELLOW. Mr. President, I join with the gentleman from Blair, Senator Jubelirer, in his support for Senate Bill No. 933 and the two projects that encompass Senate Bill No. 933 in the Sunny Day Fund. I congratulate the two gentlemen from Berg Electronics who have made the trip here to Harrisburg today, I assume not only for the purpose of advancing this particular project but also for the purpose of trying to perhaps see government at work, at least right here in Harrisburg. And it is extremely important, Mr. President, that we do address Senate Bill No. 933 in a timely fashion.

Mr. President, the Sunny Day Fund proposal, the Sunny Day Fund legislation, has been with us for a number of years, and over that period of time we have considered nearly \$300

million in Sunny Day proposals, Sunny Day commitments. And of that \$300 million that we have considered during that period of time, there has been \$138 million of actual moneys that have been approved and projects that have been closed, going from a high of Eastman Kodak that I remember that Senator Stauffer, then serving as the Majority Leader of the Senate, was so very much interested in, and we spent over \$14 million in Sunny Day Funds to Eastman Kodak. Followed, Mr. President, as far as sums of money, by Sony Corporation of America, where we spent \$10 million, and then just within the last several years for National Westminster Bancorp, Inc., that moved from the States of New York and New Jersey into Pennsylvania, we spent over \$10 million. BRW Steel was another massive project in tax dollars, with a total of \$13 million, to make up just some of those that were involved in the \$138 million.

Also, Mr. President, there are projects that have been approved that, as we stand here today, have not been closed. And those particular projects total \$62,700,000, another tremendous amount of money, which means for Pennsylvania that we are going to have additional job opportunities for the young men and women who are educated in our tremendous system of higher education and who then will have the opportunity of working in Pennsylvania.

And then, Mr. President, when you follow through and you look at the statement of funds that are available for the Sunny Day Fund, you follow through and you see what kinds of appropriations were made in 1985-86, right up through to the 1994-95 appropriations. Mr. President, the total receipts and the funds that are available have been absolutely fantastic. We distributed to the Sunny Day Fund for businesses to either relocate in Pennsylvania or to expand their business in Pennsylvania in excess of \$191 million, a tremendous amount of money that we have committed ourselves to. And because of that tremendous, aggressive program that we had started in the Thornburgh administration and followed very aggressively in the Casey administration, and now hopefully Governor Ridge will follow through with the same type of aggressiveness that his two predecessors followed, we find ourselves, Mr. President, as we talk today, in a negative fund balance with regard to the Sunny Day Fund. Actually, the funds that are available for this project today are zero. We do not have any funds available. The negative balance in the Sunny Day Fund is \$10,042,000. That is a substantial amount of money in a negative balance, and that is because of the consideration that has been given over the years to projects that have been approved but, as of yet, have not been closed.

And it was just Monday of last week, just a little over, I guess, 9 days ago, that it was brought to our attention through a meeting that would take place with the Committee on Appropriations that there were two new projects that were being considered for funding, and they would be considered in Senate Bill No. 933. It was for Berg Electronics in Huntingdon, it was also for a project in Erie, and the gentleman from Erie, Senator Andrezeski, took the lead in our Caucus to talk to us about how important it was to bring about the funding of the project for Erie. Mr. President, we then further followed it

through to find out exactly where we are going, because there was a little bit of digression from what normally would have taken place. Normally what would have taken place, and maybe this is a little bit of institutional memory for those Members who have only been here for a short period of time, but the institutional process in this body was that the administration and the Department of Commerce would come to the appropriate committees, they would come to the Committee on Appropriations and they would come to the two leaders' offices in the Senate and they would express to us exactly what the need was. They would discuss with us what the project was long before a bill was introduced. They would talk to us about how the implementation of the enactment of legislation would eventually come to bear with job creation in Pennsylvania and ultimately the types of tax revenues that we would be able to receive from these projects.

Unfortunately, Mr. President, in this particular project, that did not take place, so some of the information that we so badly needed to make the decision to properly fund these projects was not available. But we went ahead on our own and we did a lot of examining as to the validity of the projects. And there is no question, I want to make this very clear, there is no question that these are two very important projects, two projects that are worthy of our support, and two projects that will get our support. But when we did the examination, we found that we are in a deficit fund balance situation. We found out further that with regard to these two particular projects, the funding of these two projects could only take place upon enactment of the 1995-96 budget. So, in theory, if it were possible that we in the Senate could pass Senate Bill No. 933 today, it then could be sent over to the House of Representatives and they could, in some way, suspend all of the rules of the House, pass the same bill this afternoon and send it on to Governor Ridge for his signature and he would affix his signature before midnight tonight, there is no way that one dime could flow to this project, to the funding of this project, until we enact a budget sometime, I assume, in the month of June or, hopefully, maybe before that, but not one dime could flow to these two projects prior to the enactment of a new budget for the 1995-96 fiscal year.

Now, Mr. President, following it through that much further, Governor Ridge, in his budget request, asked for \$15 million. His request for Sunny Day funding for 1995-96 is \$15 million. This particular project, I believe, takes up \$10 million of that \$15 million, or would leave us with somewhere around \$5 million to consider what is going to happen in the entire 1995-96 Sunny Day Fund for the purpose of recruiting new businesses to come into Pennsylvania or for the purpose of trying to get additional businesses to expand for the proper utilization of tax dollars and to provide job opportunity for Pennsylvanians.

So, Mr. President, I am here to tell you that anything that we have to do to guarantee the two industries that this money will be made available, we will be prepared to do. If a letter signed by the four respective leaders is necessary to guarantee to Berg Electronics and to Bush Industries that these projects will be funded, we will be prepared to do that. But if we do

the things that we are being asked to do by the gentleman from Blair, Senator Jubelirer, and I do support him, I applaud his activities in industrial development not only in the area that he represents but throughout the State, because he has always been there, as have we, in a bipartisan way. We have always been extremely supportive of the Sunny Day Fund, but we are not prepared today to cast our vote in favor of Senate Bill No. 933, not because we do not support the two projects, but because, number one, there is still some information that we are awaiting that we have not received. Number two, Mr. President, the funds are not available. We are at a negative balance in the Sunny Day Fund as we talk today. And, number three, probably equally as important, is the fact that if we have this particular bill passed today and through some way the Governor can sign it, we could not implement it until the passage of the 1995-96 budget.

However, Mr. President, having said that, we support both projects. We will be in a position sometime later on when this information is available, when we find out exactly the full extent of the money that will be available in the Sunny Day Fund for the 1995-96 budget, when we are certain that the projects that were approved and not closed, that there are not any lapsed funds that will be available in those projects, when all of those things are in place, we then will be totally committed to these two projects and we will be casting votes to make those projects a reality.

Unfortunately, it has only been 9 days since this proposal has even been advanced to us, and, unfortunately, Mr. President, right now as we talk today, I do not feel that I can recommend to the Members on this side of the aisle that we are prepared to make the vote today to pass this bill. In theory, we support it. In concept, we support it. We are in favor of industrial development everywhere in the Commonwealth, and we were one of those individuals years ago who stood up for the Sunny Day Fund and we wanted it to pass legislatively and we have asked every year for money to be put into the fund to make these particular decisions possible in Pennsylvania. But right now, Mr. President, we are not prepared because we do not have the necessary information and we do not have the money necessary to fund those projects until we pass the 1995-96 budget.

So in that regard, Mr. President, I do not think Senate Bill No. 933 is going to pass today, but that is not to say that once the questions are answered properly and once we know exactly what the ramifications are for the next fiscal year, we will fully support the projects legislatively as we do in concept right now.

Thank you.

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

The PRESIDENT pro tempore. Mr. President, I listened to the remarks of the gentleman from Lackawanna, Senator Mellow, with a great deal of interest, obviously, because with those remarks and if the Members of the Democratic side do not put up the necessary votes for two-thirds, we will have broken new ground in this Senate, new ground that is a very sad and tragic message to send to the rest of this country.

Mr. President, it is not true. The Minority Leader, Senator Mellow, has had the opportunity to meet with Secretary Hagen and his team. The gentleman from Philadelphia, Senator Fumo, the ranking Member of the Democratic Committee on Appropriations, has had the same opportunity. I have met with Secretary Bittenbender, with Governor Ridge, with Secretary Hagen. The money is available. That money rolls over all the time. Money is constantly coming in. The effective date of this is July 1, 1995, Mr. President. There is no reason why this body should not pass this bill today; absolutely none. And I can listen to all the reasons that are just not accurate. The money is there. The Governor and the Budget Secretary, who I think ought to have some sense of whether the money is there or not, have given the absolute commitment to Berg Electronics and to Bush Industries that the money is there. This can be passed here. It will be passed in the House of Representatives next week. The House is waiting for this.

To do this is absolutely the wrong signal. We are talking about people's lives here, Mr. President. We are talking about jobs for Pennsylvania, we are talking about the message that Tom Ridge gave when he ran for Governor that he was going to create jobs. We all know, we all know that a Governor can find the way. We know. The support that we gave to Governor Casey and the previous administration when, frankly, there was a lot of money being spent in the last days of that administration, we supported that, including in many, many more Democratic districts than there were Republican. We should not be talking about Democratic or Republican districts. We are talking about people, we are talking about the future, and to suggest that this should wait until the budget is passed is not necessary. It does not take effect until July 1, 1995. And the money will be there. The money is coming in constantly because people are repaying low interest loans and the fund is being built up. Whatever we do in the budget, if there needs to be more in the Sunny Day Fund, we will always do that because we know we get it back. We know that this is a guarantee. There have been projects that have been in the Sunny Day Fund before that have been less than stable. This is a rock-solid, absolutely guaranteed project that cannot miss. What kind of a signal are we going to send?

I do not understand how Senator Mellow can promise, I am asking him today, since this does not take effect until July 1, 1995, as we in the past have stood up for projects that have not been as solid as this and concerns were raised on the floor, there has never been a vote on this floor for anybody's district that this side of the aisle has not supported. There will be 29 votes for this today. I cannot predict anything else, but there will be 29 over here. It should never, ever, ever, get to the point in a bipartisan legislature that we use jobs for partisan leverage or partisan bickering. It does not make sense. I listened to the gentleman. I have great respect for his leadership. I am imploring him to reconsider his recommendation to his Caucus because, again, this does not take effect until July 1. They want to break ground, Mr. President. They want to break ground. How are they to do that? What is the message that is to be sent to Huntingdon County today? Are we to burst their balloon because Senator Mellow promises that sometime in the

future there may be 5 or 21 Democratic votes? There is no reason. Frankly, if the money is not there, it would not be spent, but we can pass it today. This is not the time to use political leverage. This is the time for all of us to stand together as Pennsylvanians, not as Republicans or Democrats. The district of the gentleman from Erie, Senator Andrezeski, deserves the support. Bush Industries deserves the message just as these two gentlemen coming all the way from St. Louis deserve to hear that there are 50 votes for this project today, as well as the one for Bush Industries.

I have been guaranteed by Governor Ridge. If we need to take a break and Senator Mellow needs to talk to the Governor and the Budget Secretary and have that assurance, I am willing to do that. Whatever it takes, we are willing to stay here so that the gentleman will have assurances from the Budget Office, from the Governor of Pennsylvania, who have committed to me, who have met with the gentleman and his staff, who have met with Senator Fumo and assured him that that money would be there. It does not take effect until July 1, 1995. Please do not send these two gentlemen back to St. Louis with a message that there is partisanship wrangling in the Senate of Pennsylvania. It does not make any sense. It has never happened before.

So if we need to grant the gentleman assurances, again, we will do that. And we can take a break right now and the Minority Leader and I can head to the Governor's Office. I am asking for the gentleman's support. We need their support, we cannot pass this bill without their support. It takes two-thirds of this body to do so. And, Mr. President, if we leave this the way it is, it will be a shameful, sad day. Frankly, these two guys were lied to in North Carolina because North Carolina did not keep its commitment. Pennsylvania is going to keep its commitment. I listened to the gentleman's words, I heard his support for the future, I believe the gentleman, Senator Mellow. I am asking him today that we need that today. We need it over in the House. And the money cannot be spent before July 1, 1995. Let them break ground. Let us not take the hope away from the people of Pennsylvania. That is what we are supposed to be all about. And I urge every Member of this Senate to recognize that this vote today is an historic vote and let us not carve out new ground. It would be shameful to do so.

Mr. President, I asked the distinguished Democratic Leader, for whom I have great respect, if there are any questions that need to be answered we can have those resolved today and still vote this today. And I ask that that consideration be done and that we pass this bill if those questions can be resolved. I thought they were. If they were not, we can take care of it.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The record shall reflect that Senator Stout has returned to the floor and his temporary Capitol leave is hereby cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator MELLOW. Mr. President, I thank the gentleman from Mercer, Senator Robbins, and the gentleman from Allegheny, Senator Bodack, for allowing me to not answer the gentleman from Blair, Senator Jubelirer, because I support Senator Jubelirer, but as has been said many times, as Paul Harvey said, to deliver the rest of the story, because we are not getting the entire story right here.

First of all, we are carving out new ground. This is the first time ever that we have used the Sunny Day Fund in this particular type of way. It is the first time we have had a negative balance, an unfunded balance, in the Sunny Day Fund and we are asking for money to be spent. It is the first time that we are asking for money that has not as yet been appropriated in the next budget to be spent in this particular year.

I would only hope that the gentlemen who have come here to watch this discussion today were not misled and were not told to come here because there would be final passage of a bill, because we have communicated with the Majority for the last week that there would not be sufficient time for us to deal with this bill in final passage today. We are totally in support of both proposals. We are totally in support of Senate Bill No. 933, and we are absolutely in support of industrial development of any kind in Pennsylvania, which is going to mean jobs and which is going to mean additional taxes. But we are not going to do it, Mr. President, until we have all the proper information that should be made available to us.

I would like to correct the record for a moment. First of all, I have never met with the Governor's Office with regard to the Sunny Day bill. I have never met with the Secretary of Commerce or anyone representing the Office of the Secretary of Commerce with regard to this particular bill. I have not met with the Budget Secretary. I can tell you that I received a phone call from the Secretary of Commerce apologizing for the way it was sent over to the Senate, knowing full well that we should have been briefed on it prior to it coming to the Senate, but as we stand here today, which is a week after I had the phone call from the Secretary, I have still not been briefed by the Department of Commerce or by the Budget Secretary or by the Governor as to exactly what is in this proposal. I know that the gentleman from Philadelphia, Senator Fumo, and I, who have worked very closely on this, have had no discussion with the Budget Secretary with regard to this proposal. I know that Senator Fumo, in a brief discussion with the Secretary of Commerce, told him we do not oppose the bill. We support the bill, but we have some problems with the way in which the bill has been presented. We have some problems with the funding mechanism as to what is taking place, and we have some problems with taxpayer dollars that are going to be used here, not with regard to the two industries, because everything we have heard about the two industries is that they are absolutely outstanding companies. But we have some problems with how we are going to be asked to fund some projects where there is no money available in the account to make that possible today.

Also, I think Senator Jubelirer makes the greatest argument why we should not be doing it today, and that is the effective

date of this bill is July 1, 1995. So you can, again, hypothetically pass it through the Senate, pass it through the House, have the Governor sign the bill today, have the groundbreaking next week or next month, but until July 1, 1995, not one thing can take place to fund these two projects. And what we are saying, Mr. President, is we do not have all the facts and all the figures and all the information.

When we come back on May 22 following the recess for the primary election, that is another time. I shared that information with my counterpart last week and then earlier this week that we are not opposed to the proposal, and I do not want to sound overly emotional about it because we here are for it. We all agree on what must take place. Our disagreement takes place with the procedure, because, yes, new ground has been carved here; yes, the procedures that were put in place a number of years ago have not been followed; yes, there is no money in the account to make this project happen; yes, we will give them a total and full commitment to whatever the individuals need who are responsible or who are in charge of the activities in both companies; no, we are not the State of North Carolina that we are going to renege on a proposal that has been made to us, but it is very, very important to know that we have not been given the total information, that it has not been discussed with us beforehand, and that we are not committed at this point in time to cast a vote today for funds that we do not have available.

Perhaps what we are doing, Mr. President, is we are misleading some individuals who are in the gallery because just suppose, just suppose that the \$15 million in the Sunny Day Fund is not passed in the budget. Then what happens? Then we have grossly misled two industries that money will be available for them to come into Pennsylvania when, in fact, no money will be available. So I think what we are doing here today is we are being asked to put the cart before the horse. We are being asked to make a commitment of moneys that will be available hopefully if 26 Members of the Senate and if 102 Members of the House of Representatives vote for a budget and the Governor signs it, moneys that will be available but are not currently available.

In theory and in concept, Mr. President, I am going to repeat myself: We support the project. We will give any type of a verbal or a written commitment to the individuals that this project will take place and it will have strong Democratic support. It is just that we are not in a position today to cast an affirmative vote because the money is not available as we stand here today, and some of the information that we think is very vital to continue the goodwill that has been established under the Sunny Day proposal, which in that proposal over the years \$138 million has been spent to attract new industry, and we have a commitment for another \$63 million, for us to continue that bipartisan support and those strong working relationships that we have between both parties, it is important that we do not carve new ground. It is important that we learn a lesson from our previous experience about how this is handled. It was never handled this way. We are not prepared today, Mr. President, as a Caucus to give it full support because we need more information, especially we must know that the money is going

to be there so that when these two companies make their total commitment and have a groundbreaking, they can fully expect that the money will be following.

As it stands here today, they can have a groundbreaking tomorrow, but if the General Assembly, in its wisdom, decides not to fund Sunny Day to the tune of a minimum of \$10 million but what the Governor requested at \$15 million, this project will never come to fruition, and because of that, and only because of that, I ask for a delay and a postponement of the vote. I do not want a negative vote on this because we want to be able to support it, but, as I said, I do respect tremendously the work that Senator Jubelirer has done here, but today is not the day where we can cast the votes that will make this possible because the money is not available to fund it immediately. The effective date is July 1, some 2 months away, and I guess equally as important is we do not have all the information that is needed from both the administration vis-a-vis the Governor's Office, the Budget Secretary, and the Secretary of Commerce. And because of those things, Mr. President, we think that we need some additional time before we can cast an affirmative vote.

Thank you.

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

The PRESIDENT pro tempore. Would the gentleman from Lackawanna, Senator Mellow, stand for brief interrogation?

Senator MELLOW. Yes, Mr. President.

The PRESIDENT pro tempore. Mr. President, would the gentleman from Lackawanna, Senator Mellow, indicate whether he was contacted or whether any Member of his staff met with Secretary Hagen and whether there were several meetings scheduled to meet with him to discuss the problems, or if there were any to provide information for him on this project?

Senator MELLOW. Mr. President, the answer to the question is no.

The PRESIDENT pro tempore. Mr. President, no?

Senator MELLOW. Mr. President, that is correct.

The PRESIDENT pro tempore. Mr. President, am I to understand the gentleman is saying that there were never any appointments made and the gentleman's staff member, Neil Malady, did not meet with anybody from Commerce on Monday at 3:30? Is that correct?

Senator MELLOW. Mr. President, I think the gentleman's interrogation was did I meet with Secretary Hagen, and the answer to that is no.

The PRESIDENT pro tempore. Mr. President, I asked if he or his staff.

Senator MELLOW. Mr. President, my staff did not meet with, your question dealt with the Secretary of Commerce. The Secretary of Commerce has only been in my office on one occasion, and that was when his name was up for confirmation. I had one discussion with him on the phone with regard to the procedure that was followed in the submission of the proposal. He did have a staff person come into my office and talk to Neil Malady and give him some information, but the Secretary himself has never talked to me about the project. As we stand here today, he has not called me and asked me to

vote for the project today or to do what we can do in our Democratic Caucus to make sure that our concerns are legitimate. We are not opposed to the project. Our concerns are fiscally legitimate. We are concerned about the money not being available.

The PRESIDENT pro tempore. Mr. President, I think he has answered my question. I asked if anybody met--

Senator MELLOW. Mr. President, I would like to finish my answer.

The PRESIDENT. Continue, Senator Mellow.

Senator MELLOW. Thank you, Mr. President.

Mr. President, the answer to the question, as I said, neither the Secretary of Commerce nor has the Budget Secretary nor has the Governor's Office ever talked to me. Some staff people did meet with Neil Malady and Neil reported that to me, gave me exactly the information that they shared with him. They never told us that we had a deficit in the funds available in the Sunny Day Fund, never shared with us the possibility that \$10 million would be used towards next year's budget. They told us they were in favor of the project, that they were two legitimate industries that we think should locate in Pennsylvania or should at least expand in Pennsylvania, and we concur with that.

The PRESIDENT pro tempore. Mr. President, would the Minority Leader be willing to go with me now to the Governor's Office, if that is important, because I believe at least the Commerce Department met with his staff person, Mr. Neil Malady, and was told that there was nothing more that they needed. If there is more that needs to be done, and this is so important, Mr. President, would Senator Mellow let the Calendar run and he and I can go over to the Governor's Office, meet with the Budget Secretary, whomever he needs to meet with, if the Governor is there, to be assured that there is money for this project, there is no need to delay? Would Senator Mellow be willing to do that now so that we can vote this today? That is how important this is.

Senator MELLOW. Mr. President, I am honored to meet with the Governor at any time on any issue, whether it be Governor Ridge or any of the other three governors with whom I have worked. Anytime I was asked to go to the Governor's Office and discuss issues with the Governor I have always felt honored, and I would feel honored today if I had the opportunity to go over to Governor Ridge's office and discuss the issue with him of the Sunny Day Fund, of the funding of these two particular projects. I would be very honored if the Governor would tell us exactly what he plans to do with Sunny Day, how he might want to use some of his \$500 million surplus to make more than \$15 million available for next year for Sunny Day. Perhaps instead of having \$15 million, maybe next year we should put \$50 million away.

The PRESIDENT pro tempore. Mr. President, would the gentleman respond to my question, is he willing to go now? That is all I am asking. Just a "yes" or "no."

The PRESIDENT. Senator Jubelirer, I think it is best that Senator Mellow complete his response.

The PRESIDENT pro tempore. Mr. President, this is the second time I have asked the question.

Senator MELLOW. Mr. President, this is the second question I have answered under interrogation. I am trying to give Senator Jubelirer the answer that he is looking for, but twice now I have been interrupted, and I think the rules of the Senate which govern that say that can only happen if the gentleman from the other side rises for a point of order, and I did not hear that, so I would appreciate if I am going to be interrogated, that I am at least given the opportunity, and if I am at least given the benefit and the courtesy of being able to finish my answer, and if that is not going to be the case, then there really would be no need for interrogation.

Having said that, I am always prepared to go to the Governor's Office. I would go right now. I would go tomorrow or whenever Senator Jubelirer and the Governor would like to meet to discuss it.

Perhaps we should take the two gentlemen who have traveled here to be with us today to see the deliberation that is going to take place. Perhaps they should know from the Budget Secretary that we have an unfunded liability, that we do not have a fund balance in the Sunny Day Fund. Perhaps they should know that the Governor has proposed \$50 million, of which \$10 million will be used up in this particular project, if we pass it today. Perhaps they should know that it does not take effect until July 1, 1995. Maybe we would get something done if we do that, and maybe we can clear the air on a lot of things. And I would like them to know, once again, that we are totally in favor of the project, but we are going to do it the right way, because we do not believe that all of the questions that we need to have answered appropriately have been answered. And until that happens, I will meet with the Governor, I will meet with you, if you would like, I will meet with those gentlemen, or the Secretary of Commerce, or whomever, but unless and until we have the questions answered, unless and until we have the \$15 million available, of which we would use \$10 million, it is not going to change the result over here.

The PRESIDENT pro tempore. Mr. President, I asked if the gentleman was ready to go, and if he is, I will try to set it up immediately, but I would like the Senate to remain in Session. I know that the Secretary of Commerce met with the gentleman from Philadelphia, Senator Fumo, and explained everything to him. I know he met with Mr. Neil Malady of Senator Mellow's office and explained everything to him. We did not know that there were any more questions to be answered.

Mr. President, very simply put, we vehemently disagree with the bottom line of the gentleman from Lackawanna, Senator Mellow. This, unfortunately, has become political. It has. The bottom line is, Mr. President, we did this last year with a number of Sunny Day projects we had. There were more at the time. There can always appear to be a lack of a fund balance, but that money continues to be turned over and the money is there. How in the world are we supposed to do economic development if we cannot commit to the future? Are we supposed to say, you guys go ahead and break ground, we will hand you the check as the money comes in, the money is there?

I am saying for the record, I am saying for this administration, it is not an unfunded mandate, it has been done before. If the gentleman would look, he would find it was done as recently as last fall. You can put any spin on this you want to make it look good, but the bottom line is you do not do economic development by waiting. You make commitments and you do it. This administration has done one heck of a good job on these two projects. The last administration did a good job on the last projects. We have never, ever had a vote in here under the same circumstances, under the same conditions that we are facing today. We put up our votes and we did not care where those projects were, they were jobs for Pennsylvanians.

Every Member of this Senate, Republican and Democrat alike, I hope will understand that this is going to a vote and that they have to search their consciences as to whether this is a partisan issue and we break new ground on economic development in this State, or that when they have projects come to their districts that there is going to be a concern about them. You can always raise concerns. We made a commitment. This administration made a commitment. Is this Senate going to keep it, Mr. President? Is the House of Representatives going to keep it, or are we going to send the message that because of a power play that is trying to be pulled, not by Senator Mellow but by someone else, that there are going to be games played with jobs in Pennsylvania? That is the issue: our kids, our future, jobs for Pennsylvanians. This is not an unfunded mandate. This is not any kind of thing that cannot be done, and certainly it would come with the new budget, but you have to make commitments. Is this organization going to be able to break ground and tell the people of Huntingdon County, we are coming, we are going to break new ground for new construction, which means jobs for building trades people, it means jobs for all the people around who will come in and build that plant. It means ancillary industries, it means it is a Pennsylvania win, and it is the message that all of us, not just Tom Ridge but each and every one of us, can take.

Again, Mr. President, I hope that the Minority Leader would reconsider. And I will tell you, we do not spend money we do not have. This administration, this Budget Secretary have committed it. They have been to the office of the gentleman from Philadelphia, Senator Fumo. They certainly tried to meet with the Minority Leader. I understand the gentleman was not available, but they certainly at least met with one of his staff members, and maybe it was not the Governor, but it was the people who had the figures.

Mr. President, we can say what we want, but this has been done before. We all know what is going on here, and I am imploring every single Member of this Senate to please vote for jobs in Pennsylvania and vote for the Sunny Day project, not just for Berg Electronics but for Bush Industries as well. We are talking, between Berg and Bush, some 1,400 to 1,500 jobs to begin with. What does that do when we talk about taxes? What does it do for the communities to help build up the tax base? I do not have to give lectures, you all know what the situation is, and I am asking once again, like I have never asked before, please let us vote for this, get it out, let us not lock ourselves into a corner. This can be dealt with, and if

Senator Mellow needs any further information, he has my assurance that he is entitled to any information, and I assure him that money is available and will be available July 1. That commitment has been made and there is no unfunded mandate. It is just not correct to suggest that. This was done last year and we are not doing anything different. This is the way it is done. You can color it, spin it, do whatever you want with it, but the bottom line is we need to pass this bill today.

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

Senator MELLOW. Mr. President, I realize that I am now violating the Senate Rules by speaking for the third time on the issue, but the gentleman from Blair, Senator Jubelirer, spoke for the third time, so I will assume you will give me that same latitude.

The PRESIDENT. Without objection, you may continue.

Senator MELLOW. Mr. President, well, we did not object when he spoke.

The PRESIDENT. I believe the record will reveal that was his third remark, exclusive of the interrogation. This will be your third response. Continue.

Senator MELLOW. Mr. President, there are a few points of clarification. I guess the gentleman from Blair, Senator Jubelirer, can continue to say what he wants, but I think we must deal in here with some degree of accuracy, and some of the statements are not accurate. First of all, I personally have never had a phone call from anyone from the administration dealing with this proposal, to come into my office, for me personally, and to talk to me. Secondly, there were two individuals who came into my office last week and talked to Neil Malady, who works with regard to legislation on our staff. One of them was a legislative liaison who, if he worked for a private industry, would be considered a lobbyist, so one of them was a lobbyist for the Department of Commerce.

Mr. President, a lot of things have been said on the floor of this Senate, much of it to put the Democrats in a position of wanting to stonewall a proposal for the purpose of not giving Senator Jubelirer the opportunity to get this particular bill passed today. Nothing could be further from the truth. We have digressed tremendously from what the procedure has been with regard to the Sunny Day Fund. It is an institutional procedure, Mr. President, that has been here for a long time. We have totally digressed from it with this particular bill. I will meet with Governor Ridge and anyone else whom Senator Jubelirer wants to meet with at any time, including right now or any other day, and I said that before under interrogation. If Senator Jubelirer wants to set that meeting up, I have no problem in going over to the Governor's Office and meeting with him to discuss exactly what is taking place in this proposal. But, Mr. President, this proposal is being rushed through here in 9 days. The information that we have asked for, we do not have. We are not certain that there is money available to fund this if, in fact, the date was effective immediately.

And finally, Mr. President, I am a little sick and tired that every time that we object to something based on fiscal responsibility or fiscal integrity, as we have on this particular proposal, that we are now accused of playing politics, because we are

not playing politics with this proposal. We have a Senator from Erie, Senator Andrezeski, who is very much interested in this proposal. It deals with his district. He wants it to take place. His interests also are in fiscal integrity and fiscal responsibility. Senator Jubelirer is not the only one who has a project in this particular package.

And finally, I think it is important for you to know that about 2 years ago when Senator Lincoln served as the Majority Leader of the Senate, there was a Sunny Day proposal that was before us. If memory would serve me correctly, I think it was a proposal for J & L Specialty Steel. I think that was one of the proposals. It was a Democratic initiative. The proposal was submitted after every procedure that was supposed to be followed was followed by the Casey administration. You got a call from Andy Greenberg, who was the Secretary of Commerce, and you had a visit from the office of the Secretary of Commerce explaining to you exactly what would take place in the bill. You then had a call from the Secretary of the Budget, and the Secretary of the Budget at that point in time would tell you exactly what money was available and how this project could be carried out. Then a proposal came over from the administration for introduction. It usually was introduced by both the Committee on Appropriations and possibly by the individuals who represented the district, and then the Committee on Appropriations moved on the proposal. In one of the proposals for the Sunny Day Fund that was submitted by the previous Governor, we on this side of the aisle were not satisfied with the information that we received, although they were Democratic initiatives, and we said, no, until we get the information that we think is so vitally important to protect the integrity of this particular program in this system, we are not going to run the bill.

All that we ask is do not run the bill today. The bill becomes effective July 1, 1995. There is not one thing that can happen in this body or that can happen in the House of Representatives until July 1, 1995, that can jeopardize these two projects if the two companies are committed to development and to groundbreaking in Pennsylvania. Not one thing. All the political chastisement that has taken place here, all the political rhetoric and the accusations, we all know what this is all about. This is nothing more than political rhetoric. It is absolutely not true. We support industrial development, we support tax reductions, we support a reform of workers' compensation. We supported a reform of unemployment compensation years ago. We have put up every vote on this side of the aisle dealing with industry that has been put up on that side of the aisle, but we are not going to be railroad today into passing a proposal that we believe is a good proposal in concept but one that I really do not believe, do not believe whatsoever, that we have all the information that can allow us to make an appropriate, intelligent decision.

And, again, now I am going to repeat myself. I think it is unfortunate that two companies, potentially, and the potential exists, could be given the false impression today that \$10 million will be made available to them through a Sunny Day Fund when we know full well that there is an unfunded balance, there are unfunded projects in the Sunny Day Fund that have

not as yet been closed, and that the budget for next year, which this money would be dependent upon, has not passed. What I say to Senator Jubelirer is, let us go right now, let us go over to Governor Ridge's office, let us talk about Sunny Day, let us use your influence as the President pro tempore of the Senate not to take \$15 million but let us take \$50 million of the \$500 million surplus, so not only can we bring in Berg Electronics but we can bring in a lot of other companies that want to locate in Pennsylvania and we can go ahead in the true form of bipartisanship support right here in the Senate and over in the House of Representatives and we can put a package together that is going to put Pennsylvanians to work, that is going to allow companies to pay taxes in Pennsylvania. I stand right with you, step by step, and I walk with you in that march. Let us go over to the Governor's Office right now, let us talk to him, let us get his commitment that more money will be made available in the Sunny Day Fund so that we can put Pennsylvania on the map as far as our industrial development.

Thank you very much.

The PRESIDING OFFICER (D. Michael Fisher) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, would the Minority Leader, the gentleman from Lackawanna, Senator Mellow, stand for brief interrogation?

The PRESIDING OFFICER. He indicates that he will.

Senator LOEPER. Mr. President, could the gentleman tell us if he and the gentleman from Blair, Senator Jubelirer, go to the Governor's Office today and he receives the information that he feels is necessary, that he will be prepared to vote on this legislation today?

Senator MELLOW. Mr. President, I do not think that the information that we need can be made totally available by the Governor today. I am prepared to go to the Governor's Office. I am prepared to commit myself like I did at the start of the debate. I am prepared to tell the gentleman that before July 1, the effective date of this bill, that this project will pass, that these two projects will be funded, that we will do everything in our power in a bipartisan way to make sure that does take place. I will sign whatever type of an agreement that must be signed to guarantee to the companies that we mean what we are talking about, that we will not do what the State of North Carolina did to them, but we can only do that with the guarantee that that money is going to be in the budget and that the questions that we have that must be answered will be answered. I would be only too happy to go to the Governor's Office. I just do not think the Governor can give us the assurances today that are needed to guarantee enough support on this side.

Senator LOEPER. Mr. President, is it the gentleman's position that regardless of a meeting with the Governor, or whom ever else could provide this information, that he would not be prepared to vote in the affirmative on this legislation today?

Senator MELLOW. Mr. President, my position is basically this: as we stand and talk today, there is an unfunded liability

in the Sunny Day Fund of \$10,042,639.09. That is fact. That is not fiction, that is fact. That is a statement of funds available in the Sunny Day Fund. So we are \$10 million short right now of being able to meet the mandates that we have prior to the passage of this proposal.

Now Governor Ridge, in his wisdom, has said that he wants to make \$15 million more available. So if you want to follow through with every project—and they are all listed; I would be only too happy to read them for the Majority Leader, if he would like—that has been approved but not yet closed, if you then add these two particular projects that we are talking about, Bush Industries and Berg Electronics, Erie County and Huntingdon County, you add those projects to it, we now have an unfunded balance of \$5 million, even if the \$15 million in next year's budget passes.

So there is no way that the Governor can give us his assurance, short of him transferring money from one account, which I think he could probably do through his executive powers, into the Sunny Day Fund to make sure that the money is available immediately, right now, and then make a commitment. Anything short of that, Mr. President, the Governor could not give us his guarantee that that money will be available. He can give us his guarantee that he will work toward that, but he cannot guarantee that that will happen.

Senator LOEPER. Mr. President, I thank the gentleman for his response to my interrogation.

I think it is relatively clear that regardless of what measures are taken today, the gentleman and his Caucus are not prepared to support this legislation in any fashion in order that we can move forward to try to promote and create new job opportunities for Pennsylvanians and to promote economic development in the Commonwealth.

Mr. President, I would simply remind the Members, if they reflect back to the end of the last Session, about the passage of House Bill No. 3122, a bill that was passed here on November 22, which authorized some 10 various projects in Sunny Day Funds to be funded. It was with a unanimous bipartisan vote that that legislation passed in this Senate and passed in the House of Representatives and went to the Governor's Office. And, Mr. President, it was the total of those projects that exceeded what the amount available was at that particular time in the Sunny Day Fund. However, in spite of that, it was the Governor of the previous administration who signed that bill into law. And, Mr. President, all those projects are now authorized but they have not been funded because they have not met the obligations of all the necessary paperwork for consideration in order to qualify for those funds in the Sunny Day project.

In addition, I think what was brought out before in debate is that the fund is a revolving fund. There are continuous streams of revenue coming back into that fund, and if the fund should be in a negative position at this point in time, it was simply because the previous administration authorized it to go into a deficit position. But I think, Mr. President, that was not necessarily the case. It was the view that the dollars for economic development for Sunny Day would be there. It is coming back. The fund is growing. We believe that it is very im-

portant to send a signal, particularly to these two industries and projects that we have before us today, a very positive signal that Pennsylvania is on the move, that we are interested in job growth and creation. We will have the stability of the Sunny Day Fund.

Mr. President, I would ask for an affirmative vote on the legislation.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I rise very sadly today to first apologize to the taxpayers of Pennsylvania that the partisanship marches on. Yes, there are lots of issues we fight about, but if there is one issue we ought to come to closure on, it is jobs. How bad does it have to get, how many companies do we have to lose, how many people have to go on welfare and unemployment before we put our act together and send a clear signal to the manufacturers and businesses and service providers of this country and this Commonwealth that this Senate supports the expansion and growth of our economy?

I ask you to put yourself in the place of the corporation that is here. If you were here visiting today and you had been wooed by whomever and you had worked with the economic development people and you had made a commitment to go to that State and grow some jobs and grow your company in their community, what would you think if you listened to this debate today? We heard, we do not have the money in the bank. Now, if it were August or September and we had just completed the budget and had not funded the programs, that would maybe be a valid argument, but that is not the case. We are less than 60 days away from a new budget cycle where we will have passed our budget, and I cannot believe this Senate would allow a budget to pass that does not adequately fund the commitment of these two projects and any other projects that are going to come to this State. That is insanity. I cannot believe the rhetoric I am hearing today.

I am going to say this because I believe it: Comparing Governor Ridge with the last two governors—and that is bipartisan --I have seen a fresh, new, less partisan approach to leading this State forward, and I have commended him for that and I have urged him to stick to it, that it does not matter whether the Republicans he is working with supported him for Governor or the Democrats supported his opponent, that it is time to govern. And I think Tom Ridge has put out an olive branch that I have not seen before in trying to say, hey, it is time to govern, the election is over. But that is not what we are hearing here today. We are sending a terrible signal to the potential employers that could be attracted to this State. And I want to ask those from the west to join me, I do not care whether you are Republican or Democrat. How bad does it have to get in the west?

In trying to keep Quaker State last week, which we lost, I talked to some executives in Pittsburgh who realize their economy is not as solid as they had hoped it was. They have had a lot of successes in rebuilding, but they are not to where they need to be. And I want to tell you where I come from, and I am going to share with you from a community that is losing Quaker State in the next year, what we have lost in the last

decade: Van Hoffel Tube Plant, gone; Worthington Pump, gone; Foster Forbes Glass, closed; First Seneca Bank and Northwest Bank, both 40-branch banks, merged and gone; USX, 1,200 jobs gone; Pennzoil Billing Department, gone to Houston; Manion Barrel, closed; Graham Packaging Plant, closed; Reno Glass Mold Division, moved to Ohio; Lyons Transportation Co., which served them, gone, bankruptcy.

How bad does it have to get that we do not put first the workers of Pennsylvania, the taxpayers and the citizens who just want a chance at a job? They do not want to hear this crap. This is an issue that is so resolvable that it is incredible that we are here arguing about it. We vote on things here every day that are more complex than this issue and the details are worked out later. To say this is unfunded is ridiculous.

I urge my colleagues, Republican and Democrat, let us say "no" to our leaders who want to fight about this and let us pass this bill and send a message to the future employers of Pennsylvania that we guarantee them that if they come here to make jobs, we will work out the details, we will furnish them the funding that is available, and we will do it in a quick and meaningful way and stop this political posturing that has been what has really decimated the economy of Pennsylvania. We will probably be arguing in a few weeks, because we are going to have a partisan fight again because we are going to have the same people arguing we ought to cut the personal income tax, not the business taxes. I am not going to go into that debate today, but it makes about as much sense, because we have not lost a job in the personal income tax, but it will be raised that that is more important than cutting business taxes.

I urge my colleagues today, let us say "no" to those who want to fight about this and let us pass this bill bipartisanly.

Senator MELLOW. Mr. President, I would like to be recognized. I would like to speak again.

The PRESIDING OFFICER. I believe the gentleman has already spoken three times on the issue.

Senator MELLOW. Mr. President, I did not hear anyone challenge that. Are you going to invoke the rule?

The PRESIDING OFFICER. I believe the gentleman has already spoken three times.

Senator MELLOW. Mr. President, is there an objection to my speaking again?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I have no objection to the gentleman speaking again.

Senator MELLOW. Mr. President, I thank Senator Loeper.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I think the most accurate thing that was just stated by the previous speaker is that this is resolvable, and there is no question that this is resolvable. The gentleman from Venango, Senator Peterson, can become very emotional if he would like. He can mislead if he would like, because he misled, there is no question about that, in the things that he said.

But the one thing that I believe, the question that should have to be asked of companies that want to come and locate

in Pennsylvania is, what would you think or how would you operate your business, and maybe I ought to address the question to the individuals who are here today, how would you operate your business if you were not certain as to what is going to happen with regard to an unfunded liability? Would you make provisions for that? Would you think that because we, who are entrusted with the taxpayer's money; we, who have been elected to uphold a trust, a fiduciary responsibility by the people who have sent us here, not of any one particular senatorial district but of the 12 million people in Pennsylvania, even though we do run in one district, our vote that we cast here today on this floor reflects everyone. It reflects all 12 million people of Pennsylvania. It reflects those who are impoverished and those who are very, very wealthy. It affects those who are highly educated and those who have no education whatsoever. It affects those who are destitute and are looking for a job, those who are on public assistance who are looking for a way out, and perhaps this is their way out, by offering them job opportunities.

But for anyone to try to inflame this body by saying that one party is being very partisan and is against providing money for industrial development in this State is totally unfortunate, because it is not factual. I believe that there does come a point in time with responsibility that we should at least try to the best of our abilities to be factual. I think, further, there comes a time when we should, with our responsibilities, remember that we have been elected to uphold the public trust, to watch the expenditure of the tax dollar, to make sure that all of the i's are dotted and all the t's are crossed, to make sure that when we appropriate money that we have the kind of money available to make that appropriation last.

We should never, ever, ever, Mr. President, although I know on many occasions we have done it in the past, try to mislead people in the future, especially individuals who want to make an intelligent decision to relocate in Pennsylvania because of the tremendous things that we have to offer industry and business to do their business right here in this great State of ours. We are in favor of the passage of Senate Bill No. 933 when we are certain, and you can make all the political rhetoric you want, and you can make all the castigations about people not wanting to vote because of political considerations that you want, folks, but the truth is this: We are not prepared today to vote for Senate Bill No. 933 because there are questions that remain unanswered. I agreed half an hour ago to go over to the Governor's Office. No one called my desk to tell me the meeting was set up for 1 o'clock. I am right here. I did not get a call from the administration saying, hey, Mellow, come on over and discuss the projects with us. A half hour has now gone by since that interrogation took place. But we, Mr. President, must be certain of what we are doing. This bill does not take effect until July 1, 1995. The companies in question have the full commitment that it is going to happen once we have all the questions answered and once the appropriate money has been made available.

If any company is not going to do business in Pennsylvania for something that takes effect July 1, 1995, which as of yet has not been funded because we did not pass something on

May 3, 1995, then I question if, in fact, any business really, sincerely wanted to locate in Pennsylvania. I have no question, Mr. President, about Bush Industries and about Berg Electronics, because not only have I heard about Bush Industries from our good friend from Erie, Senator Andrezeski, but I have also heard from the gentleman from Cambria, Senator Stewart, in a public hearing that we held in Philadelphia about Berg Electronics going to locate in Huntingdon and the reason why. He said it in a public meeting in Philadelphia. The gentlewoman from Philadelphia, Senator Schwartz, was there. I am sure that she would remember. The gentleman from Allegheny, Senator Bodack, was there. I am sure that he would remember. So was the gentleman from Indiana, Senator Stapleton. So was the gentleman from Philadelphia, Senator Fumo. We were told about Berg Electronics going to Huntingdon about 3 weeks ago, Mr. President, and we commit ourselves to the support.

But I am not going to stand here as the Democratic Leader --we only have 21 Members. You may get some support out of this Caucus. We did not ask the Caucus Members to vote against it. We are trying to objectively tell people that right now we are not prepared to cast an affirmative vote because all the information is not in. Mr. President, you are a lawyer. If all the information was not in in a jury trial and there were other witnesses who had to be heard from, you would be the first person to say let us not submit this to the jury. Well, in reality, we are the jury. We do not have all the information in, but we are very much so inclined to support the proposal. It makes no difference whether this proposal passes today or when we have the additional information that we so badly need. It is not a partisan issue. We are not against industry, we are not against business, we are not against development, and the more people say that, the more I am going to take to the floor and I am going to refute it, I am going to rebut it, and I am going to fight it because it is not the truth.

I am sick and tired, Mr. President, of people taking political liberties that are not true on this floor to try to inflame people who are not in this building who might only read something through a very small news clip or perhaps might hear something on the radio, or now, thank God, they can hear the whole thing discussed on TV. But we are entrusted with the fiduciary responsibility to protect the taxpayer dollar, and what we want to do in Senate Bill No. 933 is make sure that the taxpayer is protected and to make sure that the two industries that are going to be dependent upon this \$10 million have not been misled.

Thank you.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Robbins and Senator Brightbill have been called from the floor. I request temporary Capitol leaves on their behalf.

The PRESIDING OFFICER. Senator Loeper requests temporary Capitol leaves for Senator Robbins and Senator Brightbill. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator O'Pake.

The PRESIDING OFFICER. Senator Mellow requests a temporary Capitol leave for Senator O'Pake. Without objection, that leave will be granted.

And the question recurring,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, I would just like to take a few minutes, since one of these industries is located in Summit Township in Erie County, to add a few comments to the record.

First, Mr. President, I think a lot of things that were said here are a matter of interpretation. We started out in today's debate talking about how we have set new ground for political partisanship, and all sorts of statements were made, but I think that is a matter of interpretation. In my own mind, I think we really set the new ground for partisanship when my colleagues on the other side of the aisle demanded that Senator Lynch from Philadelphia be on the floor before they would even consider any type of leave, Capitol or legislative. And I thought that set the ground for partisanship here because Senator Lynch then left a hospital bed on a weekend and came here where they set up a hospital room for him.

POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper. Would you state your point of order.

Senator LOEPER. Mr. President, I believe that the gentleman's ramblings are totally irrelevant, not germane to the issue before us at all, and I would ask that they be ruled out of order.

The PRESIDING OFFICER. The Chair rules that Senator Loeper's point of order is well-taken, and the Chair would request that the gentleman refrain--

Senator ANDREZESKI. Mr. President, I guess there are some things we do not want to hear about on this floor. Let me continue.

To stand here and say that this is the end-all vote on this I think also is a matter of interpretation. I applaud the efforts that went into providing the Sunny Day funds for these industries. I was notified 9 days ago that Bush Industries was in this package for \$2 million. I applaud the Ridge administration for including them in this.

I would also like to point out to the Members and to the audience listening that this is not the only thing that these industries will be getting. Without speaking for Huntingdon County, in Erie County they are allocating money for infrastructure development. The Summit Township supervisors voted to increase the Local Economic Revitalization Tax Assis-

tance Act, that is the LERTA tax, to give them corporate tax breaks for 10 years. They increased that from 5 to 10 years, and they are building a road especially for the industry. Now, the plant in question is going to start off as a truck terminal and so I do not think we are talking about a thousand jobs, I think we are talking about maybe a hundred jobs to start off, but I applaud that also. But for the record, there has been a lot of help, a lot of moneys committed to these projects already.

I also think that if we are going to talk about fiscal responsibility on the floor of the Senate, and if we are going to be saying in other speeches that if we do not have the money we can no longer provide welfare, that we should say that we do not have the money and we cannot provide assistance of any type, whether it be welfare for individuals out there or, quote, "economic assistance" for corporations in Pennsylvania. And we have made commitments in the budget to reduce taxes, we have made commitments in a variety of other ways. This money is there, this money is coming, and I would hope that when the money is here and when the budget is passed that we would not just have \$15 million for the Sunny Day Fund, \$10 million already which is being used for this, but as the gentleman from Lackawanna, Senator Mellow, said, perhaps we could put \$50 million in and have some real money for other projects in Pennsylvania.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, I am a newcomer here. I am not a politician, I am a businessman. I ran a campaign about creating jobs, bringing jobs to the State of Pennsylvania, and today I am just appalled. I listened to the arguments offered by the other side of the aisle and it just seems to me like so much meringue: there are no solids, just a lot of air.

You know, if we are not interested in bringing jobs to the State of Pennsylvania and making these important votes, why do we not just hang a big sign out in front of the Capitol building, "Gone Fishing." We are talking about a lot of jobs here, important jobs. Jobs for Pennsylvanians. And I can tell you, if this proposal would be for my district, I certainly would not be standing up talking about how I am not going to be voting for it. I would love for 1,300 new jobs to come to York County. I think it is very important for the State of Pennsylvania, I think it is very important for the Senate today to send the right message to businesses that are considering coming here to our Commonwealth that we are open for business. I urge my colleagues on both sides to support this legislation today.

Thank you, Mr. President.

BILL OVER TEMPORARILY

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, it is my understanding that the gentleman from Lackawanna, Senator Mellow, and the gentleman from Blair, Senator Jubelirer, are now meeting with officials from the Department of Commerce, including the Secretary, in order to answer any questions that Senator Mel-

low may have had, and I would request at this time while that meeting is ongoing that Senate Bill No. 933 go over temporarily.

The PRESIDING OFFICER. Without objection, Senate Bill No. 933 will go over in its order temporarily.

LEGISLATIVE LEAVES

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

Senator BODACK. Mr. President, I request a temporary Capitol leave for Senator Mellow, who is attending a very important meeting at the Governor's office. They have meringue, I think, being served with the dessert.

The PRESIDING OFFICER. Senator Bodack requests a temporary Capitol leave for Senator Mellow. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, may I also request a temporary Capitol leave for Senator Jubelirer.

The PRESIDING OFFICER. Senator Loeper requests a temporary Capitol leave for Senator Jubelirer. Without objection, that leave will be granted.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 245 (Pr. No. 1062) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate and other highways; and further providing for the use of speed timing devices.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT OFFERED

Senator GREENLEAF offered the following amendment No. A2358:

Amend Sec. 2 (Sec. 3362), page 2, line 11, by inserting after "hour": for all vehicles, except trucks having a registered gross weight of more than 9,000 pounds which shall be limited to 55 miles per hour

Amend Sec. 3 (Sec. 6110), page 6, line 1, by inserting after "established": for all vehicles, except trucks with a registered gross weight of more than 9,000 pounds

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, this amendment that I offer to the bill addresses a situation with regard to trucks on our interstates. Senate Bill No. 245 provides for an increase in the speed limit on the nonurban areas of our interstates and the turnpike, and it would increase the speed limit from 55 miles per hour to 65 miles per hour for all vehicles.

What the amendment that I am offering would do is continue to allow that increase in the speed limit in nonurban or uncongested areas to 65, except for heavy trucks, trucks over 9,000 pounds. And I think it is important for us to make that distinction. If we are going to raise the speed limit, I think it is important for us to recognize that these large trucks are vehicles that could be very dangerous. One-half of the fatalities on our highways in a year are attributed to them. The Pennsylvania Department of Transportation supports this differential between the speed limits of cars and trucks, and, in fact, the Secretary of Transportation indicated in a recent hearing that it takes 104 feet longer for a truck to stop at 65 miles per hour than a car.

In addition, there are five other States that maintain such a differential - Illinois, Michigan, Ohio, Oregon, and Washington. The Pennsylvania AAA Federation supports a differential between cars and trucks, and at a recent hearing the president of that association recently stated, if I may read just a small portion: (*Reading:*)

Although recognition of the difference in operating characteristics between cars and trucks would seem to necessitate a speed differential, existing data does not show much difference in accident rates between states with or without a differential. This may be because the assumed speed variance is really not there. The AAA position has been to seriously consider a differential speed limit as a means of reducing the interaction between trucks and other vehicles. Another underlying concept of a differential speed limit is that for any given speed, a truck takes more time to decelerate to a lower speed and requires more stopping distance than a passenger car. The speed differential can compensate for the disparity in operating characteristics by making braking distances more compatible. In our Gallup Poll, taken last October, seventy-nine (79%) percent of the respondents felt, that given a speed increase to 65 MPH, the increase should apply only to passenger cars, and not to heavy trucks.

I would urge the Senate to adopt the amendment.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I strongly oppose this amendment. I drive those highways. I am out there and I see the drivers on the highways. The truckers I see on the rural interstates are a lot safer than the passenger drivers who dart in and out, who have no regard for speed limits. And by the way, as I have said, many places right now the speed on the turnpike that I see for a passenger car is around 70 to 75 miles per hour. In other words, they do not heed 55 miles per hour with any regard. The truckers are not that fast. They do not seem to be going much over 62 miles per hour.

Now, what is the difference between the drivers? A truck driver has to have a Commercial Driver's License. That is a very tough test to pass. The trucks have insurance, and the trucks when they are out there, they are trained drivers. You just do not put a rig in the hands of some character who just came out of the cornfield. But how about the passenger drivers? The Legislative Budget and Finance Committee recently completed a survey and found that 7 to 8 percent of the passenger cars in Pennsylvania are being illegally operated with-

out insurance. In the city of Philadelphia, 27 to 28 percent of the passenger cars are without insurance. But the trucks have the insurance.

Next, what kinds of tests are given to passenger drivers in the other States? Remember, we are talking about interstate highways. In some of the other States, in order to get a driver's license you just send in so many dollars. They are not all checked like we do in Pennsylvania.

All right, let us have two systems of speeds out there. The State Police told us in the hearing conducted by the Committee on Transportation that it will not work. The State Police told us that. The Secretary of Transportation, who had been on the job I think about 3 weeks, said he favors two types of speeds. What does he know about it? He has not been out on those roads like I have. He is new to Harrisburg. Oh, I think he ran passenger trains, or airplanes, or something like that when he was in PennDOT before. I do not regard him as an expert.

I am going to come to another one: the insurance industry. The gentleman did not mention Henry Hager writing a letter to keep the speed limit to 55. I want to know how fast he drives when he comes to Harrisburg. I want to know if he drives a passenger car or a truck.

There are so many questions in this thing, but for those of us who drive those highways, do you want to have two speeds, the trucks one speed, passenger cars another, so the passenger cars are darting in and out among the trucks?

Now, to make the cheese a little more binding, Mr. President, on U.S. 1, a killer highway, in my district last week a woman was killed by a truck. Charge it against the truck, but the facts were the woman was going so damn fast that she drove underneath the back of the truck, and the truck did not even know she was under there until he checked to find, he thought he had a punctured tire. Blame the truck. Everybody blames the trucks. But I am going to say this: Those drivers are trained, those trucks have insurance, and they are responsible people, and I will not say that about passenger cars.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I rise as well to oppose this amendment offered by the gentleman from Montgomery, Senator Greenleaf. The gentleman from Delaware, Senator Bell, was absolutely correct in his statement of the comments made by the State Police at our hearing of the Committee on Transportation. In fact, I have a copy of their testimony in front of me and I will read a couple portions of it.

In addressing the speed of 65, they state, "At a higher maximum speed limit, slower moving vehicles may become a hazard, unless they are required to drive to the right." They were speaking about previously when we had a higher speed. In those days, if you recall, you had to drive in the right lane and only pass in the left lane so that we did keep those slower vehicles in the right lane. They further stated in another place in their testimony that, "Sixty-five (65) M.P.H. is a reasonable speed for vehicles to travel on rural limited access highways." They stated that, "A maximum speed limit of 65 M.P.H. is not a totally new concept for Pennsylvania. Prior to 1974, a number of our highways were posted at speeds greater than 55

M.P.H. However, since that time the number of vehicles using these highways has increased." But the cars are safer, better manufactured and the highways were constructed for 70 miles per hour speed.

Now, they really never did state in their direct testimony if all vehicles should be moving at the same speed or if they should be moving at a separate speed, so the gentleman from Washington, Senator Stout, asked the question, and I have it on tape in my office if someone would care to listen to it. He asked the question of the State Police, should the traffic be moving together at the same speed or should we have trucks at one speed and cars at a separate speed? And we have it on tape where the State Police said, all the vehicles should be traveling at the same speed. We believe that is a better contribution to safety than having a separate structure of speed for different types of vehicles. We can look at the State of Virginia and see where that State enacted legislation allowing cars to go at 65 and trucks had to remain at 55, and after 1 year of use they did a study of the results and immediately passed legislation to move cars and trucks both at the same speed of 65 miles per hour.

So I think if one wants to look at the evidence and not use emotions because sometime or another a truck may have challenged them for the space they are occupying on the road, if you look at the evidence, I believe it would tell you that we ought to have one speed limit for all vehicles that are traveling on our highways. As the gentleman from Delaware, Senator Bell, said, and I concur, the truck drivers are professional drivers. They have to now get a Commercial Driver's License. They go through a lot of schooling in order to have that license. Yes, there are a few out there who are bad actors and that sometimes then causes us to think that all of the trucking industry are bad drivers. I think you will find the majority of truck drivers are probably a lot better drivers than the majority of the four-wheelers.

I thank you, Mr. President. I would encourage a negative vote on this amendment.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, likewise, I join the gentleman from Centre, Senator Corman, and the gentleman from Delaware, Senator Bell, in opposing the Greenleaf amendment for many of the same reasons that they spoke about. The fact is that our hearings last month of the Committee on Transportation were very extensive, including people from the Department of Transportation and from the State Police and from the industry itself, and the trucking industry did not come in and lobby us for that speed. They took a noncommittal position. Talking to them privately, they felt it was safer for the motor-ing public and for their drivers if the traffic was all moving at the same rate of speed.

Remember, it was back in the mid-1970s when we had the reduction of speed, and 8 years ago the Federal government gave the States the right, in the areas of the rural interstate system, to increase the speed back to 65 miles per hour. It has taken 8 years for Pennsylvania to do that. Some States did that previously, like the State of Virginia. Virginia had a two-tiered

traffic speed, one for passenger cars and the other for trucks. And they have since then gone to a uniform speed for both trucks and cars at 65 miles per hour because of the incidents of accidents caused by a slow-moving truck and a car coming up on that slower moving vehicle and becoming involved in an accident. Besides, on grades, also at the entrance and exits to highways, where trucks are moving at a slower rate of speed than cars, it could cause situations of accidents. So I think for the professional drivers and the people out there that it would be better to have a uniform rate of speed of 65 miles per hour both for trucks and cars.

While you might think in voting for this amendment you would please some people and placate them, I do not see that as really what we should be doing here. We should be providing a speed limit that can be legally enforced, a speed limit that can be applicable to the rural interstate system, and if in the future it would show that there is a problem, we could change it. But I think States that had the two-tiered system realized that it was not doing the proper job and that is why they went back to a uniform traffic speed, so I would urge the defeat of this amendment.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Helfrick, Senator Holl, and Senator Tomlinson have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDING OFFICER. Senator Loeper requests temporary Capitol leaves for Senator Helfrick, Senator Holl, and Senator Tomlinson. The Chair hears no objections. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator BODACK. Mr. President, I would have to say this has certainly been a great day for me in the Senate of Pennsylvania. I came to the floor this morning thinking all kinds of bad partisanship thoughts, and I am amazed at some of the comments that are coming from the other side of the aisle today. I am just going to show you how bad it is getting for me.

I listened to the speakers from the other side of the aisle, my very good friend, the gentleman from Delaware, Clarence Bell, and my good friend, the gentleman from Centre, Senator J. Doyle Corman, with whom I served on the Committee on Transportation for years, and the gentleman from Washington, Senator Stout, as well, and I want to tell you that they have really convinced me that this thing should not go. I would ask all of the Members in a true bipartisan fashion that we all vote this amendment down.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would just comment, I was surprised that the Minority Whip would come to the floor with any preconceived notions.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—6

Andrezecki	Helfrick	O'Pake	Schwartz
Greenleaf	Holl		

NAYS—44

Afflerbach	Fumo	Madigan	Shumaker
Armstrong	Gerlach	Mellow	Stapleton
Baker	Hart	Mowery	Stewart
Belan	Heckler	Musto	Stout
Bell	Hughes	Peterson	Tartaglione
Bodack	Jones	Porterfield	Tilghman
Brightbill	Jubelirer	Punt	Tomlinson
Corman	Kasunic	Rhoades	Uliana
Dawida	LaValle	Robbins	Wagner
Delp	Lemmond	Salvatore	Wenger
Fisher	Loeper	Shaffer	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?

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

Senator BELAN. Mr. President, very briefly, I know we have been here long and everybody wants to get on the highways at 55 miles per hour, but today I rise in opposition to Senate Bill No. 245, the proposal to increase the speed limit on rural highways. I realize that I may be in the distinct minority of voices which are opposed to this bill, but I feel I must at the very least present what I believe are legitimate arguments in opposition to the increase.

I know we all here in the Senate today can tell stories of many incidents that happened on the turnpike. For instance, they passed me like I was standing still, and so on and so forth. But today we are considering a bill that increases the speed limit, including the tolerance, 13 miles an hour on rural interstates. But the real question is, what are we going to gain from this increase? In my opinion, Mr. President, not much. In exchange for a few miles per hour, we are risking the lives of the motoring public. We are risking increased truck speeds, and we are risking the creation of conditions which are unsafe

to all motorists.

Mr. President, let us not kid ourselves. The real speed limit today is between 65 and 70 miles per hour, because even with 55 miles per hour, it is a rare occasion that the traffic moves at or below this legal speed. I can only imagine the speeds that will result if the legal limit is increased 13 miles per hour. What is the real speed limit? What will be tolerated then? According to the turnpike, deaths on the turnpike in Pennsylvania have shown a steady decline at 55 miles per hour. And according to a study conducted by the Insurance Federation, fatalities on the national level were decreasing until States were allowed to increase the speed limit.

And, Mr. President, if I may quote from the status report from the Insurance Federation, it says, but when it really comes to really fast travel speeds, try the rural interstate highway system. Speeds are escalating among cars. Speeds are climbing on roads posted at 65 miles per hour, and they are climbing on roads where 55 miles-per-hour speed limits have been retained. Institute surveys in Maryland, New Mexico, and Virginia reveal these patterns. In car speeds in Virginia and Maryland, before 1988 speed limits were 55 miles per hour for both cars and truck rigs on all rural interstates, and only 6 to 8 percent of cars in Virginia and Maryland exceeded 70 miles per hour. When Virginia raised speed limits on rural interstates to 65 miles per hour for cars, the result was an immediate jump in travel speeds among cars only, and within a month 17 percent of the cars surveyed in Virginia were going faster than 70 miles per hour. The portion of cars that exceeded 70 miles per hour has continued to escalate on Virginia's rural interstates. Now about two out of every five cars on these roads go faster than 70 miles per hour.

But, Mr. President, let us just talk about deaths for a minute. Deaths are still higher on rural interstate highways with 65 miles per hour speed limits than they were before speed limits were increased from 55 miles per hour. In the 40 States where speed limits were raised to 65 miles per hour, during 1987 and 1988, deaths on rural highways were 24 percent higher in 1993 compared with the average number of deaths on the same roads during 1982 to 1986. Meanwhile, deaths on the urban interstates in the same 40 States were 5 percent lower in 1993 compared with 1982 to 1986. Speed limits on urban interstates nationwide are still 55.

And, Mr. President, this is the seventh year in a row, the seventh year, of increased motor vehicle deaths on rural interstates with 65-mile-per-hour speed limits, compared with before the speed limit changes. The Institute researchers estimate that about 400 lives are lost each year because of the higher speed limits. I know we welcome visitors from out of State, from different States, and I say to you that they must obey our laws like we obey their laws when we go to their States. And just not too long ago we here in the Senate passed many a crime bill to save lives, dealing with lives, dealing with murders, and so on. But, Mr. President, we do not have enough police on our turnpike and on our interstates today to do the job that they are doing today, and they are doing a tremendous job at 55 miles per hour. You cannot ask for more than what they have been doing.

And over the weekend I read in the Pittsburgh paper, I am sure you read it too, Mr. President, that it is going to cost \$500,000 just to study where the signs are going to go. That is just to study. How much more money is it going to cost to implement the 65-mile-per-hour speed limit in putting the signs up, making the signs, the labor, and so on? That is going to cost us a lot more money, and I have not seen the figure yet of the amount it is going to cost us.

Lastly, Mr. President, I think we all in the Senate came here to Harrisburg not to make money by our highway transportation system. I came here thinking and believing that we were here to save lives on our highways and to make our highways safer, not for us to create deaths on our highways.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I will be brief in my remarks. I have seen these statistics. I have seen the statistics on the Pennsylvania Turnpike. But they claim that the deaths will rise if the speed limit is 65. I think they will be lower because right now there is no speed limit on the turnpike. Actually, a 65-mile-per-hour speed limit, and I did not favor the 3-mile-per-hour tolerance, but I realize the name of the game, if you want something passed, you have to give in a little bit, but at 65 miles an hour, we have been guaranteed by the State Police, and I intend to hold them to this, that the speed limit will be enforced. I am glad that the Commissioner now has a plan where they train State Police cadets to meet future losses, rather than we had a year ago when they were short about 800 or 900 Troopers. So, in fact, 65 miles an hour on that turnpike enforced or on interstates enforced actually lowers the speed limit.

My second point: Tourism is one of the biggest industries in Pennsylvania. The other States surrounding Pennsylvania, I understand New York is changing their speed limit to 65, all would have 65 miles per hour. But in Pennsylvania, the tourist coming to spend his money in Pennsylvania will hit a 55-mile-per-hour zone and he will be going the usual speed that he normally travels, so he will meet his friend in Pennsylvania with a traffic ticket. And I do not think that is right.

And again, I strongly feel that a proper speed limit enforced, which is 65, will be in the best interest of the people of Pennsylvania.

ANNOUNCEMENT BY MAJORITY LEADER

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, just very briefly for a point of information, the Committee on Public Health and Welfare hearing scheduled for 1:00 has been delayed until approximately 1:20.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. Senator Jubelirer, Senator Mellow, and Senator Brightbill have returned from temporary Capitol leaves and their leaves will be cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, the gentleman from Allegheny, Senator Belan, mentioned what may happen on Pennsylvania highways if we increase the speed, and I submit to you that we are not increasing the speed but, in fact, making law what people are already doing. Many times laws lag behind what society really wants and then eventually they have to pass a law to bring about what society has already told you they want to happen. And unless we are doing something that is morally wrong, certainly then we ought to change the law to conform with those things that society has determined they want to have happen, and that is what they have decided with the speed of 65 miles per hour.

As a little background, in 1987 Congress permitted the States to raise their speed to 65 miles per hour, a maximum speed on interstates in nonurbanized areas and other limited access highways that they have in other States. And as a matter of record, 41 of the 50 States have done so. A 42d State, New York State, is moving 65-mile-per-hour legislation through their General Assembly at this time and expect it to be passed this summer. There are approximately 1,200 miles of rural interstates and the Pennsylvania Turnpike on which the speeds would be 65 miles per hour. We are not talking 65 miles per hour in cities or urban areas where it is unsafe to drive at that kind of speed. I have seen several studies that indicate that, in fact, there will be no increase in accidents of any type because the American people and Pennsylvanians have already voted with their right foot that they are going to drive 65 miles per hour. And so, as the gentleman from Delaware, Senator Bell, said, we are not raising the speed limit, we are, in fact, lowering it. I believe there is a bit of truth in what the Senator had to say.

Pennsylvania highways are the safest that they have been in 50 years. In 1944 we saw 1,440 fatalities, and this is the lowest since 1944 during World War II. And again, we cannot say what this increase in speed will do because we are not going to see an increase in speed. We are authenticating what people are currently doing. Will they enforce the law? I certainly hope so.

Once again, I refer to the testimony given by the State Police at our hearing, and they said, "If the maximum speed limit is increased to 65 M.P.H. on rural limited access highways in Pennsylvania...There will be no leniency in enforcement beyond that which is mandated by statute." And this statute, Mr. President, would mandate that they do not give any allowance above 3-mile-per-hour tolerance when using radar. And, in fact, if they are following behind you in their car using their speedometer, there is no tolerance, and if you are driving 66 miles an hour, you can be issued a citation for speeding.

I think the people of Pennsylvania--in fact, the people of America--have said that they can drive safely at 65 miles per hour and, in fact, they are doing it, and we ought to pass this legislation to make it legal in Pennsylvania.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, this issue is probably without a doubt one of the issues on which I have received the most mail, and I have to honestly tell you that it has been just about split right down the middle. Half of the mail I received has been in support of raising the speed limit, and half has expressed concerns.

I think the legislation before us today, though, is an excellent compromise. In this legislation we do raise the speed limit to 65 miles per hour, but we do reduce the tolerance that is allowed so that people who are speeding 4 miles an hour over the speed limit can now be arrested by the State Police when they are using radar. And also I think it is important to note that the Department of Transportation will examine each of our highways to determine if the highways are capable of handling the 65 miles per hour, and if in their determination they are not capable of handling that additional 65-mile-per-hour speed limit, that speed limit will not be allowed in that stretch of highway, and I think that is very important.

I support this bill, I have supported this bill in the Committee on Transportation, and I would hope all of my colleagues would vote in the affirmative on this legislation today.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I rise to urge support of Senate Bill No. 245 on final passage. I fully realize that my good friend and colleague, the gentleman from Allegheny, Senator Belan, is sincere about his concern for public safety, highway safety, and he has demonstrated that during his tenure here in the Senate. But I think that this legislation is in the right direction today. The fact is that now finally after 8 years of being authorized to do this, Pennsylvania is moving forward. The vast majority of the States in this country's interstate system have increased their speed limit from 55 to 65.

I represent the southwestern corner of this Commonwealth which is contiguous with West Virginia and Ohio, two States that have a 65-mile-per-hour speed limit. In fact, over the years I have had many constituents who brought to my attention, Senator Stout, why are you not increasing the speed limit in Pennsylvania as we are allowed to do in Ohio and West Virginia? And many people complain when they come back to Pennsylvania that it seems like they are slowing down or stopping compared to their ability to go 65 miles an hour in the contiguous States.

I think this is a responsible position to take today. On the rural interstate system there are about 1,200 miles of that area of about 1,700 to 1,800 miles which would qualify as a rural interstate area, and of PennDOT maintained roads of over 45,000 miles, that would only be approximately 3 percent of the total amount of roads in this Commonwealth that would be eligible for the 65-mile-per-hour speed limit. So I think it does enable people to legitimately travel at a safe speed within this Commonwealth, and the biggest factor is actually the driver of the vehicle and how they operate and maintain their vehicle, involvement in accidents, weather conditions, and so forth. So

I think it is a reasonable compromise, particularly with the 3 percent tolerance. The fact that it is now under 55 miles an hour, you are giving 5 miles tolerance, it is really 6 miles over before you would receive a citation, in this case in reducing that down to 3 miles and actually going to 4 miles you would be subject to a citation. I did support the tolerance. I do not think you could have a zero tolerance, so I think the 3-mile tolerance is a reasonable compromise.

I would urge the Members on both sides of the aisle to support Senate Bill No. 245 and send it back to the House. Hopefully, they will get it passed. There is a 90-day period, and I believe, without checking the minutes of the meeting of the Committee on Transportation, that under questioning the Secretary of Transportation indicated it would cost about \$800,000 to change the signs in the Commonwealth on those roads that would qualify. So let us pass Senate Bill No. 245, get it over to the House so they can do it, and hopefully people will be able to legitimately drive later this summer.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I rise to oppose this legislation and join the minority of us who will be voting against it. I have a real concern about the 20 or 24 percent people, and it really does not come down and hit you. With the exception of Route 80, I do not have any rural interstate highways in my district, but that will not stop the vast number of my constituents who feel that when we raise this to 65 they can drive that speed on our highways. And yes, our State Police do an outstanding job and I know they will do one, but they cannot be everywhere.

It is pretty difficult for me to go back, and I was at a service club a few months ago in Towanda and everybody was in favor of raising the speed limit. A couple of weeks ago, three members of the high school track team were returning on Route 6 from a track meet and lost control on a curve and hit a truck head-on. A graduating senior is dead, a sophomore young lady is dead, another athlete is in serious condition, and the driver of the other vehicle is in serious condition. I do not know what speed they were going, but they were unable to keep that car under control. And it is pretty tough for me to go back and look that mother, who happens to be a good friend of mine, in the face and say, well, we are only going to kill 20 percent more of our young people and our people on the highways in this Commonwealth.

We have too much of a disregard for human life. I realize I am in the minority, but this is one that I believe is important for Pennsylvania. I think we have an excellent marker in last year: It was the lowest in highway accidents, highway deaths. I do not look forward to coming back next year and looking to see what those statistics show as far as the loss of human life on the highways of this Commonwealth.

Thank you, Mr. President.

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

Senator BELAN. Mr. President, I promise you, very briefly.

I heard the gentleman from Centre, Senator Corman, state a true fact here, that the roads were safer back in 1954, and so on, and I commend him for saying that. The speed limits were 65 at times and 55 at times, but there were fewer cars on the roadways. I just heard my good friend, the gentleman from Bradford, Senator Madigan. Mr. President, I could go on for the next hour and tell you, and I think I have the credentials to say this, that I investigated many car accidents, deaths, many small babies up underneath the dashboard crushed to death, and it all stems from accidents with speeds in excess of 55, in excess of 40 on urban highways.

I can tell you, Mr. President, that for 12 years I adjudicated many speeding citations, stop sign citations, red light citations, but they never learned. They kept coming back. And as a result, when they go back on that highway, it is speed, speed, speed. Just 3 weeks ago we had a 16-month-old baby killed by a drunk driver on our Homeville Road, Mr. President, with which you are very familiar. The skid marks say he was going 70 miles an hour in a 35-mile-per-hour zone and crushed the baby to death. And you wonder why I am standing here arguing about the 65-mile-per-hour speed limit? If people want to get somewhere in hurry, leave a little bit earlier.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDING OFFICER. Without objection, Senator Mowery's temporary Capitol leave will be granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, Senator Schwartz has been called back to her office, and I would ask for a temporary Capitol leave for her.

The PRESIDING OFFICER. Without objection, Senator Schwartz's temporary Capitol leave will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEAS—40

Andrezeski	Fumo	Lemmond	Salvatore
Armstrong	Gerlach	Loeper	Shaffer
Baker	Greenleaf	Mellow	Stapleton
Bell	Hart	Mowery	Stewart
Bodack	Heckler	Musto	Stout
Brightbill	Holl	Peterson	Tartaglione
Corman	Hughes	Porterfield	Uliana
Dawida	Jubelirer	Punt	Wagner
Delp	Kasunic	Rhoades	Wenger
Fisher	LaValle	Robbins	Williams

NAYS—10

Afflerbach	Jones	Schwartz	Tilghman
Belan	Madigan	Shumaker	Tomlinson
Helfrick	O'Pake		

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

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

SB 933 CALLED UP

SB 933 (Pr. No. 989) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

PREFERRED APPROPRIATION BILL DEFEATED ON FINAL PASSAGE

SB 933 (Pr. No. 989) -- The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1995-1996.

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator BODACK. Mr. President, Senator Belan has been called to his office, and I would ask for a temporary Capitol leave for him.

The PRESIDING OFFICER. Senator Bodack requests a temporary Capitol leave for Senator Belan. His leave will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair notes the presence of Senator Robbins on the floor. His temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, just very briefly, I would like to restress the importance of this, particularly in northwestern Pennsylvania, and not just in Erie County but in Warren County and in Venango County, which is one of the hardest hit in Pennsylvania as far as the economy. I could talk for a long time about the jobs and the businesses that have left Pennsylvania because we were not user friendly or because at some point in time people were playing politics as usual, and I certainly do not care nor am I very concerned about who got talked to, who did not get talked to, or what happened. I have

never in my 12 years in Harrisburg, when we were dealing with jobs and taking what is important, the economy of Pennsylvania, and sending a message out there that we truly want expansion in Pennsylvania, that we truly want people to know we are user friendly, taken a vote or a position other than what was best for that area that the Senator represented.

But most importantly, what we have to keep in mind is what is important for the people back home, and that is a paycheck. And I certainly have to ask everyone in this body to go back and do what is right, do what is important, and let us vote for those people back home, the people who need jobs in Pennsylvania, and truly send a message to our present businesses and our future business concerns that we will be user friendly, that we want them to be in Pennsylvania, and that we truly will stand by our word and do the things that are necessary. So I urge an affirmative vote on this bill.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I think it is important, as part of the dialogue on this particular issue, that as you recall, we went over temporarily the Sunny Day bill that had engendered much debate earlier in today's Session in order that representatives of the Governor, the Budget Office, and the Department of Commerce could meet with the Minority Leader, as well as with the President pro tempore. I think it is important to note that one of the results of that meeting was to allay any fiscal concerns that the Members might have. The Budget Office indicated that there is \$52 million available in the Sunny Day Fund for those projects, and I think it is important that that be made part of the record.

Thank you.

The PRESIDING OFFICER. Without objection, the Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, why would there be an objection?

The PRESIDING OFFICER. Because I believe you have already spoken four times now on the subject.

Senator MELLOW. Mr. President, this is a new issue. The bill went over. It is now being called up for final passage.

Mr. President, the gentleman from Delaware, Senator Loeper, just made an incorrect statement, and I cannot allow that to be reflected on the record. Senator Loeper just said that there is a \$52 million cash flow in the Sunny Day Fund. That is an absolutely untrue statement, as issued to us by the Budget Secretary's Office, the statement of funds available dated February 28, 1995. Senator Loeper has taken every project that has been approved but not yet closed, which total \$62,700,000, and he has made the assumption that those projects will not be closed by saying that there is a \$52 million surplus or a \$52 million cash fund. There is no cash fund and he knows that, and anyone who would make that statement is being intellectually dishonest with the Members of this body, because to make the statement you have to make the assumption that every project, and I can read them if you would so like to hear, that has been approved but not yet closed would, in fact, be lapsed. They are all listed right here, Mr. President, and the informa-

tion has come from the Budget Secretary's Office. It is very, very unfortunate that that type of debate would be entered into on the floor of this Senate. When I asked the Budget Secretary's Office to produce for us a document that would show a \$52 million cash flow, he could not do that. It is an inaccurate statement.

The fund, as we stand today, taking into consideration all the legislature-approved projects, has a deficit of \$10,420,639. The Republicans in the Senate have this information. The Governor's Budget Office submitted the information. We have the information here. It is accurate. There is no \$52 million cash balance in that fund, and I believe Senator Loeper does know that or, if not, he should know that.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I guess it is a matter of how you want to interpret what is available. There is \$52 million available in that fund currently. If this bill were to pass today and pass the House and be signed into law by the Governor, and all the projects, paperwork that we are talking about on these two projects were ready for funding, the authorization for the money for these projects is available today. There is no reason that we should delay the passage of this legislation. There has been every assurance that the funds are available. If it is the position of the Minority that they want to oppose this, they can argue any reason that they want on this floor, any matter of economics. But, Mr. President, the money is available. These projects are necessary for Pennsylvania. It is about time we put some of this debate aside and move forward and approve the Sunny Day bill for Pennsylvania jobs.

The PRESIDING OFFICER. Without objection, the Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I will try to be brief. I think I have said about as much as I can say, from my heart and my head both, and have I pleaded with the Members of this body to recognize this historic day and what it means to the future of economic development and job creation and the Governor's ability to recruit industry to Pennsylvania, if this Senate decides to not cast a two-thirds vote. I know very well there will be 29 votes on this side, I am sure of that. I do not know if there will be others. I implore Members of the other side to join in jobs. The Budget Office clearly, the Department of Commerce joining with them, has said once again that they are absolutely satisfied beyond any doubt, and the gentleman from Delaware, Senator Loeper, has put it very well, there is no problem with funding this project. They are ready to go. Whether we take this Governor out of handcuffs or not is up to what we do today. We would like to get this bill to the House of Representatives and have them vote it next week. But the funding is available. There is absolutely no reason.

Mr. President, I choose not to hypothesize as to why this is being done. It is not being done any differently than we have ever done in any other Sunny Day bill before. We are talking jobs. We are talking about our future, and 1,500 jobs are on the line right now, and that is just the beginning. It is the most exciting project I have seen in my 20-plus years of being in

the General Assembly. It is a good, solid project. We worked hard to get there. I know others on both sides of the aisle have had that experience. Frankly, it is my first experience. It is tough to get people to come into Huntingdon County, Pennsylvania, let me tell you. You know, if you build it, they will come, and what we are building is the people, the work ethic, the commitment, the idea that they really want a job. Please do not take it away from them. Let us give them the opportunity today. We do not need to wait. The time is now.

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

Senator BODACK. Mr. President, I, too, like most of my colleagues, I am sure all of my colleagues on this side of the aisle, am in favor of these projects, and I rise to state my approval and support. But, Mr. President, I stated earlier that the rhetoric that I heard on this floor today has somewhat astounded me. The amount of crocodile tears that are being shed on the other side of the aisle are tending to get up to my neck now, and I am pretty soon going to be under water and not be able to do much about it.

I find myself in a very awkward position because I find myself agreeing with some of the comments that the gentleman from Venango, Senator Peterson, made earlier, and those comments were that there is a very simple solution to this problem. I agree with that wholeheartedly. That solution was presented from this side of the aisle in the form of a letter of intent that would be signed by the four Caucuses in this General Assembly to these good people who are coming to our State and bringing business with them and creating some jobs that are not in a McDonald's or a Wimpy's class. I think they are to be commended. I think they should have the full support of all of us.

But, Mr. President, I come from a household where if we did not have the money, we did not spend it. And that is exactly what our problem is here today. We are dealing with our fine Governor, who is telling us that he is cutting \$14 million from the CHIP program and he is capping the amount of people who can go into that program. We are in the process of taking money away from programs that help with the health and well-being of the children of this Commonwealth. There is no disputing the fact that there is a \$10 million shortfall in the Sunny Day Fund. We heard today from the Majority Leader, the gentleman from Delaware, Senator Loeper, that there is a \$52-plus million number in the Sunny Day Fund. Mr. President, the only way that could exist is to eliminate 62,700,000 dollars' worth of projects that have been approved but not yet closed for the Sunny Day Fund during the current year.

Now, Mr. President, we cannot have it both ways or three different kinds of ways. We are hearing all of this good talk from the Republican side of the aisle today regarding jobs in Pennsylvania. If memory serves me correctly, we on occasion on this side of the aisle talk about jobs too. We are very aware of the fact that we need industry in this State. We are very aware of the fact that we have pockets in this Commonwealth where work is still not where it should be. But I stood on this floor and voted for programs during the Thornburgh administration when we did not have enough money to do any kind of

work to put people back on the payroll, and now I am hearing that we are going to create all these jobs and we are going to get us out of Dutch, and I could not get a vote 8, 10, 12 years ago on the very same subject regarding jobs.

Mr. President, we cannot have it both ways. The simple solution to this problem is let us give our Committee on Appropriations time to sit down, get these moneys worked out, get the approvals or disapprovals from the Governor's Office. We are only 60 days away. There is no way in hell that these projects are going to be started within the next 60 days. Let us do what we have to do, let us get our business in order, let us get our books in order, and let us not spend money that we do not have and take away from children's programs.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, Pennsylvania, unfortunately, has had a tendency over the years to shoot itself in the foot, and I can see that some of the people here today have taken aim again at our foot. We have passed tax policies that are uncompetitive. We have passed labor policies that are uncompetitive. We have regulatory policies that are uncompetitive. But there is a new breath of fresh air in Pennsylvania right now because the people of Pennsylvania asked us to change that situation and start aiming away from our foot and get ourselves into the competitive ball game.

You know, the people in North Carolina are not stupid. Right now in Raleigh, North Carolina, my guess is somebody is listening to this debate. And do you know what they are doing? They are on the phone right now to Berg Electronics, and do you know what they are saying? This is an example of what you will face in Pennsylvania. What you are hearing today from the Minority in the Senate, which has the ability to withhold this grant, what you are hearing is giving us the opportunity to tell you that Pennsylvania is not the place to go. If you want your business to expand or to grow, you will face the same kind of opposition, and it does not matter whether it is corporate taxes or labor policies or regulatory policies. Pennsylvania may say they have changed, but they have not. And if that is the case, and if I were on the board of directors of Berg Electronics, I would have to listen to that argument pretty seriously.

So this is not a political debate taking place in a vacuum. This is not politics as usual. It is fun to play politics in Pennsylvania. We are very good at it. But let us not lose sight of the workers in Pennsylvania. I have heard a lot from the other side in terms of the jobs that they say they want to help create. Let us think of the people who could get these jobs and who may well be deprived of them, not just today but permanently, if this kind of attitude is going to be portrayed as the way Pennsylvania treats businesses that want to come here, grow, or expand here.

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

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

The PRESIDING OFFICER. Senator Loeper indicates that he will.

Senator BODACK. Mr. President, the gentleman suggested that there is a \$52 million cash balance, and I would like to ask how they came up with the \$52 million.

Senator LOEPER. Mr. President, what I was putting on the record was the result of a meeting with the Budget Office, the Minority Leader, and the President pro tempore where the Budget Office evidently indicated that there was that type of money available in the Sunny Day Fund at this particular time.

Senator BODACK. Mr. President, I understand that statement is really stretching out of proportion and making a grotesque presentment by the gentleman that that is where this came about, and that is not true, because it was my understanding that was not discussed there. Now, am I wrong there? Am I missing something?

Senator LOEPER. Mr. President, I do not know how grotesque it was, but I can just simply indicate to you that this was information that was relayed to me from those in attendance at that meeting.

Senator BODACK. Mr. President, let me tell the gentleman how grotesque it is. Mr. President, is it not true that there are 62 million dollars' worth of projects that have been approved but not yet closed?

Senator LOEPER. Mr. President, we on the Senate floor in many instances authorize projects and various capital bills, many of which never come to fruition. However, when the moneys are available and the Governor's Office determines that those projects are in shape to be funded, they are authorized, and I would suggest to the gentleman that this is the same situation.

Senator BODACK. Mr. President, I think the gentleman finally answered the question. Yes, they have been authorized. There is funding that is set aside for those projects. The tune of that funding is \$62,700,000. Is that correct, Mr. President?

Senator LOEPER. Mr. President, I am not certain exactly what the amount is that is set aside. I think in answer to the gentleman, as I stated earlier, the projects that were completed and approved by the General Assembly in the close of the legislative Session of last year and signed into law by then Governor Casey exceeded the amount of revenue that was available in the fund at that time. However, the projects that were authorized at that time were not in a position to be funded. Mr. President, we have had assurances today from the Budget Office that the funds are available should these projects be authorized by the General Assembly, and I think it is very important that the Senate of Pennsylvania move ahead on that authorization today.

Senator BODACK. Mr. President, there is a project that has been allowed for \$10 million for Cephalon, Inc. Is the gentleman suggesting that we set that project aside to have funds available for the projects that he is determining to be necessary prior to enactment of our budget?

Senator LOEPER. Mr. President, I am sorry. Could the gentleman repeat the question?

Senator BODACK. Mr. President, I will promise to repeat the question if the gentleman will promise to listen.

Mr. President, Cephalon, Inc., has been approved for \$10 million out of the Sunny Day Fund, as has C-Cor Electronics, Inc., been approved for \$4.5 million. Buffalo Molded Plastics, Inc., has been approved for \$5 million. National Westminster Bancorp, Inc., has been approved for \$1,150,000. J & L Specialty Steel, Inc., \$2,500,000. Mascotech Sintered Components, Inc., \$2,500,000. AEP Industries, Inc., and, Mr. President, the list goes on and on. And I simply ask the gentleman which one of those projects or which ones of those projects that have been approved are we not going to fund?

Senator LOEPER. Mr. President, it is my view that all those projects can be funded along with the two that are currently before us today, and simply, Mr. President, we need the bipartisan cooperation of the gentleman in order to accomplish that. I think they are all very good, worthwhile projects, and I look forward to his support as we move forward in order to pass not only the projects before us but also to authorize the appropriations in order that we may fund them.

Senator BODACK. Mr. President, please indulge me, if you will, and let me impress upon you that this is not a bipartisan issue. We are just as in favor of these things as the other side of the aisle. There is a matter, a simple matter of \$62,700,000 with which we have a \$10 million deficit to fund those 62 million dollars' worth of projects. Now, how can the gentleman do that, because I want him to balance my books at home. I cannot make it work.

Senator LOEPER. Mr. President, I was disappointed to hear the gentleman say that this is not a bipartisan effort. Obviously, with all the debate that we have had here today, it appears that it is not going to be, and I think that that is very unfortunate.

Mr. President, I think that we have debated this issue ad nauseam at this point. We have had indications from the administration that funds are available, and Senator Bodack well knows that if he is looking at the same list that I am of the projects that have already been approved and the projects that have been closed, which total some \$138,535,000, and additional projects which he read down the list of those projects which come to an amount of \$62,700,000, that when those projects are near completion and will be able to be closed, they also will be completed. And I think, Mr. President, it is very obvious that if we vote in favor of Senate Bill No. 933, what we are simply doing is adding two additional projects to that list.

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

I think to everyone here now he has made his position abundantly clear, that the budget be damned, the deficit that is there be damned. We are going to go ahead and fund these projects within 60 days of coming to an agreement of the amounts of moneys that we are going to have to fund these projects. Well, we on this side of the aisle do not care to do business that way and, Mr. President, I think in listening to the gentleman from Delaware, Senator Loeper, he should not be surprised at anything that I would have to say to him. I ask for a "no" vote on Senate Bill No. 933.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, I found the debate on this to be quite enlightening, and one of the things I think that came out was the willingness of the Majority party, the Republicans here in the Senate, to commit to moneys that perhaps are only there on paper. I hope that their willingness to prove that there is money for programs for corporations in Pennsylvania by perhaps saying, well, we did not spend it yet, so we still have it, will stay in that same vein when we start talking about programs that are going to help people in Pennsylvania, other people and other programs in Pennsylvania. We have a tough budget ahead of us where we cut a lot of programs because we told people there was no money, and I do not think there are too many people here who have not given speeches and talked about welfare reform because we do not have money. I find it enlightening that all of a sudden when we talk about giving some money to some corporations that we can find the money, so I hope that same spirit holds up as we go through the budget process.

In terms of the project itself, I look forward to voting with my colleagues on the other side of the aisle to provide these funds, but I think all of the debate, all of the rancor, and all of the animosity that was shown during this debate perhaps could have been avoided completely if at the beginning of this process somebody had sat down, as was done on the other Sunny Day funds, and we went through the process of talking to people, showing them the numbers, perhaps further explaining how we are spending money that is not on the books and went from that point.

I think a lot of the things that have happened that brought us to this point, I would say the majority of the things that happened that brought us to this point, did not happen on the Democratic side of the aisle. We are here to work and we are here to work in a nonpartisan way, but we are not here to be bowled over. We are not here to be told this is the way it is and it is the only way it is. We still live in a democracy. There still are differences of opinion, and I think that in the end we all have to respect that.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Heckler.

Senator HECKLER. Mr. President, I have bitten my tongue. This debate probably does not need more hot air from anybody, including me, but I just cannot remain in my seat when, first of all, I hear issues like the CHIP program and welfare reform somehow wrapped into this matter.

First off, actually we should be having a welfare reform hearing right now in the committee dealing with that matter. I see the gentleman from Venango, Senator Peterson, may have started that hearing. One of the things we have heard again and again around this State, including the northeast corner of the State, is that the single-most important solution that we as government can present is jobs, the creation of good-paying, meaningful, durable jobs so that people can build a future for themselves and their families. That, I thought, is what we were about here today.

Beyond that, I would suggest that after all the persiflage is cleared away, the Minority and those who have spoken for the

Minority have failed to call a spade a spade, and frankly, I would be less offended by the idea that right now they are not going to put up their votes which are required to pass this measure because they want to preserve leverage going into the budget process, they want to have a voice. If that is the case, fine.

POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. Will the gentleman from Lackawanna, Senator Mellow, please state it.

Senator MELLOW. Mr. President, I think the gentleman has gone a little too far with his debate on the merit of the passage of the proposal. He is trying to insert into his debate what the Members on this side of the aisle have in mind, and he does not know that, Mr. President. I think he has just gone a little too far, and perhaps the Chair should admonish him and ask him to stay with the topic and not to digress as to what he thinks Members of the Democratic side would like to do.

The PRESIDING OFFICER. The Chair would ask the gentleman if he would keep his remarks to the merits of the bill.

Senator HECKLER. Mr. President, the merits of this legislation are the creation of jobs in areas of this State which desperately need those jobs, and no amount of debate and persiflage as we have heard is going to confuse the fact that what is happening right now is a prevention of the creation of those jobs, an obstruction of the ability of the administration to move forward with the attraction of jobs to this State. That is what is happening. That, presumably, if the votes come down in a partisan way, is going to be the result. I think that is going to be most unfortunate. That is the bottom line and all the rest is a lot of hot air, and I apologize for having added to it.

Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair recognizes the presence of Senator Hughes, whose temporary Capitol leave will be cancelled.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Armstrong, Senator Corman, Senator Shaffer, Senator Wenger, Senator Peterson, and Senator Greenleaf have been called from the floor for various legislative meetings or purposes, and I request temporary Capitol leaves on their behalf.

The PRESIDING OFFICER. Senator Loeper requests temporary Capitol leaves for Senator Armstrong, Senator Corman, Senator Shaffer, Senator Wenger, Senator Peterson, and Senator Greenleaf. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Jones and Senator Porterfield.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves for Senator Jones and Senator Porterfield. Without objection, they 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—31

Afflerbach	Fisher	Lemmond	Salvatore
Andrezeski	Gerlach	Loeper	Shaffer
Armstrong	Greenleaf	Madigan	Shumaker
Baker	Hart	Mowery	Tilghman
Bell	Heckler	Peterson	Tomlinson
Brightbill	Helfrick	Punt	Uliana
Corman	Holl	Rhoades	Wenger
Delp	Jubelirer	Robbins	

NAYS—19

Belan	Jones	O'Pake	Stout
Bodack	Kasunic	Porterfield	Tartaglione
Dawida	LaValle	Schwartz	Wagner
Fumo	Mellow	Stapleton	Williams
Hughes	Musto	Stewart	

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

RECONSIDERATION OF SB 933

BILL OVER IN ORDER

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I move that the vote by which Senate Bill No. 933 failed to pass the Senate be reconsidered and that the bill go over in order.

The PRESIDING OFFICER. Senator Mellow has moved that the vote by which Senate Bill No. 933 failed final passage be reconsidered and that the bill go over in its order.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, the only reason I sought recognition from the Chair was to make the same motion. I would just indicate that it appears the intent of the gentleman is in order to revote this bill, and I certainly hope that he could be supportive the next time.

Senator MELLOW. Mr. President, I tried to tell the gentleman from Delaware, Senator Loeper, that this is a bipartisan proposal.

Senator LOEPER. Mr. President, that was obvious.

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

The PRESIDING OFFICER. Without objection, Senate Bill No. 933 will go over in its order.

BILL OVER IN ORDER

HB 276 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDING OFFICER. Senator Loeper requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately off the floor in the Rules room. The Senate will stand in recess.

AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

REPORTS FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 1 (Pr. No. 1061) (Rereported) (*Concurrence*)

An Act providing for the recycling of existing industrial and commercial sites; further defining the cleanup liability of new industries and tenants; establishing a framework for setting environmental remediation standards; establishing the Voluntary Cleanup Loan Fund and the Industrial Land Recycling Fund to aid industrial site cleanups; assigning powers and duties to the Environmental Quality Board and the Department of Environmental Resources; and making repeals.

SB 11 (Pr. No. 1017) (Rereported) (*Concurrence*)

An Act limiting environmental liability for economic development agencies, financiers and fiduciaries.

SB 12 (Pr. No. 1018) (Rereported) (*Concurrence*)

An Act providing grants for conducting assessments of abandoned industrial sites; establishing a fund; providing for funding; and imposing duties upon the Department of Commerce.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

March 14, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert K. Bloom, 435 Woodcrest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2000, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Rhodes, Jr., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

Senator BELL. Mr. President, the Committee on Consumer Protection and Professional Licensure had a hearing on this confirmation, and we recommended to the Senate the confirmation with enthusiasm. One of the things that was very clear at the committee meeting is that Mr. Bloom has considerable experience in this field, and with that experience comes wisdom. We have a young PUC, most of the members are younger folks. He would be a very good addition to the PUC.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Mowery on the floor, and his temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

Senator MOWERY. Mr. President, it is with great pleasure that I rise on behalf of Robert K. Bloom to the Public Utility Commission. Many of you know Bob personally, but I am not certain that you have been exposed to the breadth and depth of his service to the people of Pennsylvania. A World War II veteran, Bob graduated from Edinboro State College, and as a result, Bob's State government experience began in 1968 when he came to Harrisburg as Secretary to Governor Raymond P. Shafer. In those days, this position was equivalent to the Chief of Staff in today's administration. It continued in 1979 as Deputy Secretary for Administration, the Revenue Department, and as Acting Secretary and then Secretary of Revenue in the Thornburgh administration. For just over 4 years in the

mid-1980s Bob served as the Executive Director of the State Public School Building Authority and the Higher Education Facilities Authority. He then left State government for a period of time, returning this past January as acting Secretary of Revenue, until the appointment of Secretary Robert Judge.

Bob is no stranger to the PUC. Having served as a Commissioner from 1971 to 1979, he is thoroughly familiar with the utility and regulatory matters and will not require any on-the-job training for this position. I have known Bob personally and professionally for many years. He is a dedicated and fair-minded public servant who will ably serve the people of Pennsylvania as Public Utility Commissioner.

Thank you very much, Mr. President, and I certainly recommend that he be confirmed.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald K. Anderson (District 4), 515 Salisbury Street, Meyersdale 15552, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tues-

day of January 1998, and until his successor is appointed and qualified, vice Theodore T. Metzger, Jr., Johnstown, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

March 21, 1995

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, Ross J. Huhn (District 2), R. D. #3, P. O. Box 156, Saltsburg 15681, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tuesday of January 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

March 21, 1995

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, Enoch S. Moore, Jr. (District 6), 20 Bridgewater Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tuesday of January 1998, and until his successor is appointed and qualified, vice James S. Biery, Jr., Harrisburg, deceased.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Sabatose (District 3), Box 294-C, R. D. 1, Keystone Road, Brockport 15823, Elk County, Twenty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

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

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1 (Pr. No. 1061) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the recycling of existing industrial and commercial sites; further defining the cleanup liability of new industries and tenants; establishing a framework for setting environmental remediation standards; establishing the Voluntary Cleanup Loan Fund and the Industrial Land Recycling Fund to aid industrial site cleanups; assigning powers and duties to the Environmental Quality Board and the Department of Environmental Resources; and making repeals.

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1.

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

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

Senator BRIGHTBILL. Mr. President, I will be brief. Senate Bill No. 1, with the accompanying bills of Senate Bills No. 11 and 12, is the plant site recycling package that has passed the Senate on several occasions, passed the Senate recently and now has been amended in the House, and we are asking to have the House amendments concurred in. We believe the package is substantially similar to what left the Senate, and we

would ask for an affirmative vote for Senate Bill No. 1, Senate Bill No. 11, and also Senate Bill No. 12.

Thank you, Mr. President.

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

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

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.

SB 11 (Pr. No. 1017) -- The Senate proceeded to consideration of the bill, entitled:

An Act limiting environmental liability for economic development agencies, financiers and fiduciaries.

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 11.

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

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

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.

SB 12 (Pr. No. 1018) — The Senate proceeded to consideration of the bill, entitled:

An Act providing grants for conducting assessments of abandoned industrial sites; establishing a fund; providing for funding; and imposing duties upon the Department of Commerce.

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 12.

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

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

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.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 294 (Pr. No. 304) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1992 (P. L. 810, No. 130), entitled "Pennsylvania Export Partnership Act," further providing for expiration.

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—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

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

BILLS OVER IN ORDER

HB 435, HB 436, HB 437 and SB 468 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 511 (Pr. No. 1063) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1981 (P. L. 234, No. 76), entitled "Donated Food Limited Liability Act," providing for wildlife donated as food.

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

BILL OVER IN ORDER

SB 809 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 846 (Pr. No. 934) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for pilotage rates.

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—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

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

HB 882 (Pr. No. 1049) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the acquisition of water and sewer utilities.

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—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

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.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

HB 511 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

NONPREFERRED APPROPRIATION BILL ON
SECOND CONSIDERATION AND RECOMMITTED

SB 891 (Pr. No. 947) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

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

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

BILLS OVER IN ORDER

SB 19, SB 80, SB 242, HB 247, HB 272, SB 290, HB 397 and SB 434 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 452 (Pr. No. 471) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

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

SB 453 (Pr. No. 472) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for free resident fishing licenses to former prisoners of war.

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

BILLS OVER IN ORDER

SB 509, SB 578, SB 653, SB 654, HB 659, SB 674, SB 689, HB 710, HB 714, SB 800, SB 832, HB 844, SB 858, SB 970 and SB 972 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS**

**DESIGNATING THE WEEK OF MAY 15
THROUGH 21, 1995, AS "PENN STATE ALUMNI
ASSOCIATION NATIONAL SERVICE WEEK"**

Senators MADIGAN, CORMAN, FUMO, BELAN, DAWIDA, SHAFFER, JUBELIRER, BELL, SALVATORE, O'PAKE, STOUT, MUSTO, TOMLINSON, MOWERY, AFLERBACH, SHUMAKER and BRIGHTBILL, by unanimous consent, offered the following resolution (**Senate Resolution No. 46**), which was read, considered and adopted:

In the Senate, May 3, 1995

A RESOLUTION

Designating the week of May 15 through 21, 1995, as "Penn State Alumni Association National Service Week."

WHEREAS, "Penn State Alumni Association National Service Week" will be an annual event in which Penn State alumni chapters, societies, interest groups and individual alumnus around the country can volunteer for various service projects that will benefit their local communities, nonprofit institutions and humanity in general; and

WHEREAS, This year the National Honorary Chairpersons for "Penn State Alumni Association National Service Week" are Franco Harris and Sue Paterno; and

WHEREAS, This initiative which underscores the service component of the University's land-grant mission has the potential to result in numerous positive benefits, including widespread publicity for the University and its alumni organizations at the local and national levels and increased involvement of Penn State alumni in community service endeavors; therefore, be it

RESOLVED, That the Senate designate the week of May 15 through 21, 1995, as "Penn State Alumni Association National Service Week" throughout the Commonwealth of Pennsylvania.

**DESIGNATING THE WEEK OF MAY 21
THROUGH 27, 1995, AS "STROKE RISK
AWARENESS WEEK" IN PENNSYLVANIA**

Senators PETERSON, SHAFFER, LAVALLE, AFLERBACH, SHUMAKER, DAWIDA, SALVATORE, O'PAKE, MADIGAN, TOMLINSON, JUBELIRER, ROBBINS, PORTERFIELD, SCHWARTZ and HART, by unanimous consent, offered the following resolution (**Senate Resolution No. 47**), which was read, considered and adopted:

In the Senate, May 3, 1995

A RESOLUTION

Designating the week of May 21 through 27, 1995, as "Stroke Risk Awareness Week" in Pennsylvania.

WHEREAS, Stroke is the third leading cause of death in this Commonwealth for all ages combined; and

WHEREAS, High blood pressure is a major controllable risk factor for brain attack (stroke), as well as heart attack; and

WHEREAS, High blood cholesterol also contributes to an increased risk for brain attacks, as well as heart attacks; and

WHEREAS, More than 3 million stroke survivors nationwide are alive today; and

WHEREAS, Pennsylvanians may prevent disabling or fatal strokes by having their blood pressure and cholesterol levels measured

with quick, painless tests, by controlling their blood pressure and cholesterol levels through proper diet and, when appropriate, by controlling their blood pressure and cholesterol levels through diet in combination with medications; and

WHEREAS, Pennsylvanians are urged to know their blood pressure and cholesterol numbers and to lower their blood pressure and cholesterol levels, if necessary; therefore be it

RESOLVED, That the Senate designate the week of May 21 through 27, 1995, as "Stroke Risk Awareness Week" in Pennsylvania and emphasize to all Pennsylvanians that "Stroke is a Brain Attack. Know the Warning Signs."

**DESIGNATING THE WEEK OF MAY 21 THROUGH
27, 1995, AS "THERAPEUTIC HORSEBACK
RIDING WEEK" IN PENNSYLVANIA**

Senators PETERSON, SHUMAKER, SHAFFER, LAVALLE, DAWIDA, SALVATORE, WENGER, MADIGAN, TOMLINSON, JUBELIRER, ROBBINS and PORTERFIELD, by unanimous consent, offered the following resolution (**Senate Resolution No. 48**), which was read, considered and adopted:

In the Senate, May 3, 1995

A RESOLUTION

Designating the week of May 21 through 27, 1995, as Therapeutic Horseback Riding Week" in Pennsylvania.

WHEREAS, Horseback riding is a recognized therapy for persons with disabilities; and

WHEREAS, Horseback riding therapy helps persons with disabilities such as blindness, deafness, paraplegia, polio, epilepsy, cerebral palsy, brain injury, learning difficulties, multiple sclerosis, cardiologic involvement, physical and psychomotor difficulties and mental retardation; and

WHEREAS, Horseback riding therapy has proven beneficial to these persons, improving coordination and balance, increasing body strength, enhancing self-image and increasing independence and mobility; and

WHEREAS, In 1978, the Pennsylvania Council of Horseback Riding for the Handicapped, a not-for-profit organization, began operating five programs to provide therapy to persons with disabilities; and

WHEREAS, There are now 67 programs in 46 counties in this Commonwealth, with more programs due to begin; and

WHEREAS, Thousands of volunteers operate the programs, the majority of which are not-for-profit, to provide therapeutic horseback riding to persons with disabilities; and

WHEREAS, There are currently over 3,000 persons with disabilities being served in these programs; and

WHEREAS, The council strives to increase awareness and knowledge of the availability and therapeutic benefits of horseback riding; and

WHEREAS, The council offers, at cost, a qualified instructor training program, the sole course of its kind in the nation, to increase the number of instructors available to provide therapy to the handicapped; and

WHEREAS, Courses are offered by the council at conveniently located sites to increase awareness and attract potential instructors from all around this Commonwealth; and

WHEREAS, Both awareness of the availability of therapy and the availability of training courses for instructors will improve access to therapy for persons with disabilities; therefore, be it

RESOLVED, That the Senate designate the week of May 21 through 27, 1995, as "Therapeutic Horseback Riding Week in Pennsylvania" to make Pennsylvanians aware of the therapeutic benefits of horseback riding to persons with disabilities in this Commonwealth

and to make Pennsylvanians aware of the availability of the therapeutic instructor training courses offered to increase access to therapy for these persons.

**RECOGNIZING THE WEEK OF MAY 7
THROUGH 13, 1995, AS "TOURIST
PROMOTION WEEK" IN PENNSYLVANIA**

Senators MELLOW and BODACK, by unanimous consent, offered the following resolution (Senate Resolution No. 49), which was read, considered and adopted:

In the Senate, May 3, 1995

A RESOLUTION

Recognizing the week of May 7 through 13, 1995, as "Tourist Promotion Week" in Pennsylvania.

WHEREAS, The week of May 7 through 13, 1995, has been selected as "National Tourist Promotion Week"; and

WHEREAS, Tourism is a major contributor to the economy of this Commonwealth, providing in excess of \$17.3 billion in visitor spending, 308,000 jobs with a \$5.2 billion payroll and \$544.4 million in tax revenues for this Commonwealth; and

WHEREAS, The General Assembly appropriated \$7.4 million for the Tourism Promotion Agencies Matching Funds Program, distributed to and matched by 50 county and multicounty tourism promotion agencies, and \$6 million for advertising administered by the Department of Commerce; therefore be it

RESOLVED, That the Senate recognize May 7 through 13, 1995, as "Tourism Promotion Week" in Pennsylvania.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Donna Balscak, Grace Hartman, Michael Marcks, Mary Phillips, Frances Roseberry, Sally Trexler and to Sally Wolfe by Senator Afflerbach.

Congratulations of the Senate were extended to Joseph L. Charest, Eric J. Erb, Christopher A. Smith and to Christopher A. Wieder by Senator Gerlach.

Congratulations of the Senate were extended to Robert Paolino by Senator Heckler.

Congratulations of the Senate were extended to Hancock Elementary School of Norristown by Senator Holl.

Congratulations of the Senate were extended to Patricia T. Everett by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Brown, Mr. and Mrs. Edward J. Burke and to Kate Ann Szajkowski by Senator Lemmond.

Congratulations of the Senate were extended to Jessup Boro Commemorative Committee by Senator Mellow.

Congratulations of the Senate were extended to Jack R. Andrews, George T. Cole, Jackie L. Feydo, Jack A. Greenfield, Sr., James H. Houston, Harry Kennedy, Jr., Bonnie M. Kramer, Feance L. Talbert, Rodney L. Williams and to Randall E. Young by Senator Robbins.

Congratulations of the Senate were extended to Harry Culp and to the City of Franklin by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Clair W. Yerger by Senator Shumaker.

Congratulations of the Senate were extended to Ralph Hicks by Senator Stapleton.

Congratulations of the Senate were extended to James J. Harris by Senator Stout.

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

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

May 3, 1995

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 March 21, 1995, for the appointment of Bernard Havard, 127 North 21st Street, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1996 and until his successor is appointed and qualified, vice Robert N. Lettieri, Scranton, whose term expired.

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

THOMAS J. RIDGE
Governor

BILLS SIGNED

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

SB 1, SB 11 and SB 12.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, May 22, 1995, immediately following the adjournment of the Special Session, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:15 p.m., Eastern Daylight Saving Time.