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TUESDAY, JUNE 27, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 45

SENATE

TUESDAY, June 27, 1995

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

So many times, Lord, we find ourselves caught in difficult situations. Even with our own vast stores of experience and knowledge, it is sometimes not enough. And so, Lord, this day we call upon You with humble hearts and boldly ask Your blessing. Lead us and guide us in body, in mind, and in spirit. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 26, 1995.

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

**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 Bill No. 860 and certain nominations.

REPORTS FROM COMMITTEE

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

HB 267 (Pr. No. 260) (Rereported)

An Act amending the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, adding a definition; and further providing for the purposes for which loans may be made.

HB 272 (Pr. No. 2302) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for crime victims' compensation awards; establishing the Victims' Service Advisory Committee; providing for transfer of general fund surplus, for tree harvesting practices, for regulation of employment agencies, for an investigation of the financial integrity and stability of the State Workmen's Insurance Fund, for appeals of certificate of need applications and health care licensure orders; transferring functions of the Pennsylvania Energy Office and extending provisions; and making repeals.

HB 1335 (Pr. No. 2294) (Rereported)

An Act regulating lead-based paint activities.

SENATE RESOLUTION

**COMMEMORATING THE 50TH ANNIVERSARY
OF V-J DAY**

Senators BELL, PUNT, LOEPER, MELLOW, HOLL, HELFRICK, SHUMAKER, WAGNER, TARTAGLIONE, MUSTO, DAWIDA, MOWERY, ULIANA, TILGHMAN, BELAN, STOUT, HECKLER, O'PAKE, GERLACH, WENGER, AFFLERBACH, JUBELIRER, HART, STAPLETON, PORTERFIELD and LEMMOND, by unanimous consent, offered the following resolution (Senate Resolution No. 61), which was read as follows:

In the Senate, June 27, 1995

A RESOLUTION

Commemorating the 50th Anniversary of V-J Day.

WHEREAS, Fifty years ago this summer, World War II reached its conclusion in the Pacific; and

WHEREAS, In August 1945, to the relief of the Nation and this Commonwealth, President Harry S. Truman received and announced the unconditional surrender of the Japanese government, and on September 2, 1945, General Douglas MacArthur, as Supreme Allied Commander, signed the official documents accepting the surrender during formal ceremonies on board the USS Missouri; and

WHEREAS, The citizens of this Commonwealth served with distinction during this great conflict, in our Nation's armed services, on the homefront and in hospitals at home and abroad; and

WHEREAS, We remember those Pennsylvanians whose lives were irreparably changed by war, and honor the memories of those who made the ultimate sacrifice in defense of freedom and their fellow man; and

WHEREAS, We especially honor the families of those brave individuals who died serving their country, the mothers and fathers, wives and children of those who did not return home; and

WHEREAS, While honoring those who suffered and lost, on this 50th Anniversary of the end of World War II, we recall the joy of our Nation that the war was over and those unforgettable days in the summer of 1945 when, upon hearing the long-awaited news on the radio, families and friends poured from their homes into the streets of Pennsylvania's neighborhoods and towns; and

WHEREAS, We remember the celebration, the tears and laughter, the handshakes and embraces, the newspaper headlines and confetti; and

WHEREAS, We recall the homecomings of our servicemen and women; and

WHEREAS, We recall the peal of bells across the country, including the tapping of the Liberty Bell here in Pennsylvania; and

WHEREAS, We remember the proud snap of the Stars and Stripes in the winds of a world at peace; therefore be it

RESOLVED, That the General Assembly commemorate the 50th Anniversary of V-J Day along with all the 50th Anniversary commemorative committees across this Commonwealth, all those Pennsylvanians who served in World War II, all our fellow Americans and Allies and all the families and individuals who remember both the joy and the cost of the victory, recalling the words of General Douglas MacArthur at the conclusion of the surrender ceremonies in the Pacific:

"It is my earnest hope that from this solemn occasion a better world shall emerge. . . a world dedicated to the dignity of man. . . Let us pray that peace be restored to the world, And that God will preserve it always."

On the question, Will the Senate adopt the resolution?

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

Senator BELL. Mr. President, I introduce this resolution with the approval of both floor leaders. I am introducing it as the Senate representative to the World War II Termination Ceremonies Committee of the Department of Defense. This resolution commemorates V-J Day.

I would like to have the resolution laid on the desk for additional sponsors, and I request immediate consideration.

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

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan, Senator Jones, and Senator Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Belan, Senator Jones, and Senator Williams. Without objection, those leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 248 CALLED UP OUT OF ORDER

HB 248 (Pr. No. 230) -- Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 248 (Pr. No. 230) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of a capital project to be financed from current revenues of the Game Fund.

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

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Brightbill, Cornan, Dawida, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jones, Jubelirer, Kasunic, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Peterson, Porterfield, Punt, Rhoades, Robbins, Salvatore, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tartaglione, Tilghman, Tomlinson, Uliana, Wagner, Wenger, Williams

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, it is my pleasure this afternoon to introduce to the Senate of Pennsylvania a good friend of mine who lives in the borough of New Holland in Lancaster County. He has been a friend, advisor, and confidant. He came and visited with us in the Senate today and is spending the day with us, as I assured him we would not stay in Session past midnight tonight, so he decided this would be a good day to come visit with us.

I would like, at this time, to introduce Mr. Arthur Weaver from New Holland to the Senate of Pennsylvania.

The PRESIDENT. Would Mr. Weaver please stand so that the Senate may give you its usual warm welcome.
(Applause.)

LEGISLATIVE LEAVE

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

Senator FUMO. Mr. President, I request a temporary Capitol leave for Senator Stout.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Stout. Without objection, the temporary Capitol leave will be provided.

LEGISLATIVE LEAVE CANCELLED

Senator FUMO. Mr. President, Senator Williams is with us, and I ask that his leave be cancelled.

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

RECESS

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

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of trying to return to the floor at approximately 3:30.

The PRESIDENT. Senator Loeper has made known the need for a Republican caucus to occur in the first floor caucus room immediately following this announcement, with the intention of returning at approximately 3:30 p.m.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would like to make the same request, that the Democratic Members report immediately to our caucus room.

The PRESIDENT. The Democratic Members are encouraged to move to their caucus room, and for those purposes, the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Environmental Resources and Energy to meet during today's Session to consider House Resolution No. 172.

THIRD CONSIDERATION CALENDAR RESUMED

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

HB 1212 (Pr. No. 2281) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for voter registration, for registration commissions, for remedies and for absentee ballots; imposing penalties; making appropriations; and making repeals.

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, this bill gives us another opportunity to enact a law with many good points for the people of Pennsylvania, the Motor Voter Registration Law. We last tried in November and we missed on two occasions by one vote, and I am hopeful that we will have a better result today.

Under this bill, more of us in the United States, in Pennsylvania, can register more easily, although it has been easy here in Pennsylvania. We have regularized the process of registering and voting, we have addressed absentee voting, and we have a general suspension of the central registry, which had been in the original bill and which has been discussed on this floor, but we have scheduled a good survey of the merits of that central registry by our Secretary of State to find out what are the costs, can it produce the effects we want, and we look forward to Secretary Kane's analysis within the year.

We continue our position that purging the voters list, which has been in place in Pennsylvania since the mid-1930s, remains a good way to help eliminate some of the fraudulent practices which we have encountered in many of our counties here in Pennsylvania, but we put this provision on hold, in hibernation, so to speak, until the Federal government revisits, in effect, and hopefully sees the error of its ways and allows the Commonwealth of Pennsylvania and other States to regulate our own election systems. We have asked them to revisit, we have asked them to repeal this language, and I commend to your reading a current article in a national magazine, the Reader's Digest for June 1995, entitled, "Vote Fraud: A National Disgrace," as being good reading for those who might want to know further why we continue to support this but why we have put it in the position of hold.

What we do not address in this bill is the real issue of importance to all of us, and that is how do we encourage people who have, in fact, registered, how do we encourage them to vote and how do we encourage them to participate in the electoral process? How do we encourage them to become more active and interested in their communities, in their local government, in their county government, in State government, and in Federal government? That remains for all of us to address

in the future, for the media, for political scientists, for everyone. This vehicle that we will hopefully enact today will be the start of a process that may lead to greater voter participation. That is certainly our hope.

Thank you, Mr. President, and I do truly hope that we will find a strong vote in support of this Motor Voter Law.

Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Stout has returned to the floor. His temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator SCHWARTZ. Mr. President, I just want to add my words of encouragement that we are finally seeing passage of House Bill No. 1212 today, and I know there has been quite a bit of work done on this legislation. We have had it here for some time and have had quite a bit of debate, but I am very pleased that today we are, in fact, going to pass legislation that will allow for a single system, in fact require a single system so that in our counties and throughout our State we will encourage people to register to vote when they go to change their driver's license, get a new driver's license, when they change their address and we will encourage people to vote and make it easy for them to do so in county assistance offices and other State offices across the State, and in that process are likely to register thousands and thousands more people, which, of course, is the first step in encouraging people to come out and vote.

I am sure all of us have encountered people in a week before an election or 2 weeks before an election who said, oh, right, I just forgot to register to vote. I would have loved to have come out and voted for you, or perhaps they look at you a little bit funny and are not sure how to admit to you that they have not registered to vote. This legislation is extremely important in making sure that those people are registered to vote, that their names remain on the rolls, and that they actually do have that option to vote, because while we all pay a great deal of attention to what we do here and to politics, there are many who only get interested in elections a week or two out, and, of course, you do have to register 30 days in advance. So I am pleased to see this legislation pass.

I was disappointed that we are not authorizing this administration to move ahead after their own deliberations on a central registry, but we do allow for the use of digital and computerized records at the county level and, of course, we will be using some computerization at the State level as well. And I do believe we will find that it is the efficient, cost-effective way to move ahead in making sure that we do have the cleanest list possible throughout Pennsylvania, so that we have people on those lists who are not double-listed and are listed right where they do live and are planning to vote.

So I think this is a good day for us, particularly myself and others on this side of the aisle who have been fighting to make sure that we do everything possible to help people register to vote, and I agree with my colleague, the gentleman from Luzerne, Senator Lemmond, that we do then need to do the job of making sure that people are encouraged to come out to vote as well.

I hope, Mr. President, this is not the end of the debate about how to do that. Other States have moved ahead in really wonderful, easy ways to encourage people to vote through the mail, to encourage people to actually vote in county offices for weeks ahead of time. We are not in advance of this. We are not moving far ahead as a State in doing all that we can to help people who live very hectic, sometimes stressful lives to be able to come out and have their voices be heard, because, Mr. President, that is what this is about. It is about encouraging all Pennsylvanians who are eligible to vote to do just that. And I am pleased to vote for House Bill No. 1212, and I hope that we will continue to have this discussion in the future on encouraging people to come out to vote and making it, in fact, easy, cost-effective, and fair for people to come out to register and then vote.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator Tartaglione.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski and Senator Tartaglione. Without objection, those leaves are 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—49

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

NAYS—1

Shaffer

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

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

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

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

HB 272 (Pr. No. 2302) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for crime victims' compensation awards; establishing the Victims' Service Advisory Committee; providing for transfer of general fund surplus, for tree harvesting practices, for regulation of employment agencies, for an investigation of the financial integrity and stability of the State Workmen's Insurance Fund, for appeals of certificate of need applications and health care licensure orders; transferring functions of the Pennsylvania Energy Office and extending provisions; and making repeals.

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

On the question,
Shall the bill pass finally?

RECONSIDERATION OF HB 272

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

Senator MELLOW. Mr. President, I move that the vote by which House Bill No. 272 was agreed to on third consideration be reconsidered.

The motion was agreed to.

And the question recurring,
Will the Senate agree to the bill on third consideration?
Senator MELLOW offered the following amendment No. A4434:

Amend Title, page 2, line 2, by inserting after "PROVISIONS;": providing for the imposition of personal income tax by the Department of Revenue;

Amend Sec. 7, page 9, line 20, by striking out "A SECTION" and inserting: sections

Amend Sec. 7, page 11, by inserting between lines 6 and 7:

Section 2507. Rate of Taxation.—(a) Notwithstanding the provisions of section 302 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," the Department of Revenue shall assess the following tax rates for the tax imposed under Article III of the "Tax Reform Code of 1971," which shall apply to every resident individual, estate or trust:

(1) For the second half of the taxable year commencing with or within the calendar year 1996, the tax shall be collected at a rate of two and seven-tenths per centum (2.7%).

(2) For the second half of the taxable year commencing with or within the calendar year 1997, the tax shall be collected at a rate of two and six-tenths per centum (2.6%).

(3) For the taxable year commencing with or within the calendar year 1998 and each taxable year thereafter, the tax shall be collected at a rate of two and five-tenths per centum (2.5%).

(b) Notwithstanding the provisions of section 302 of the "Tax Reform Code of 1971," the Department of Revenue shall assess the following tax rates for the tax imposed under Article III of the "Tax Reform Code of 1971," which shall apply to every nonresident individual, estate or trust:

(1) For the second half of the taxable year commencing with or within the calendar year 1996, the tax shall be collected at a rate of two and seven-tenths per centum (2.7%).

(2) For the second half of the taxable year commencing with or within the calendar year 1997, the tax shall be collected at a rate of two and six-tenths per centum (2.6%).

(3) For the taxable year commencing with or within the calendar year 1998 and each taxable year thereafter, the tax shall be collected at a rate of two and five-tenths per centum (2.5%).

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

POINT OF ORDER

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

Senator FISHER. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator FISHER. Mr. President, I raise a point of order on the amendment offered by the gentleman from Lackawanna, Senator Mellow, as to whether or not the amendment, amendment No. A4434, is germane to House Bill No. 272.

Mr. President, House Bill No. 272 is an amendment to the Administrative Code. The Administrative Code deals with the structure of State government. The amendment itself appears to be an amendment that more properly should be offered to the Tax Reform Code. As a consequence, Mr. President, my point of order is the question as to whether or not this amendment is germane to House Bill No. 272.

The PRESIDENT. And the Chair's response is that the gentleman's point is well-taken, and in the light of germaneness, there is an inconsistency between that which is proposed in House Bill No. 272 relating to the Administrative Code of 1929 and the reference within the amendment of the Tax Reform Code of 1971. And, therefore, the amendment is out of order.

RULING OF THE CHAIR APPEALED

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

Senator MELLOW. Mr. President, I would like to appeal the ruling of the Chair.

The PRESIDENT. Senator Mellow appeals the ruling of the Chair.

On the question,
Shall the ruling of the Chair be sustained?

Senator MELLOW. Mr. President, I would like to speak on the appeal.

The PRESIDENT. The question is, as you know, Senator, debatable. Carry on.

Senator MELLOW. Mr. President, I strongly disagree not only with the ruling of the Chair but also with the request by the gentleman from Allegheny, Senator Fisher, to rule that this amendment is not germane to the Administrative Code.

Mr. President, it is very clear in Article XXV of the Administrative Code, "Powers and Duties of the Department of Revenue," and sections 2505 and 2506 of the Administrative Code that deal with space on the form for contributions, that that particular section of the Administrative Code directly deals with the responsibilities, the powers, and the duties of the Department of Revenue.

Mr. President, the responsibilities and the duties of the Department of Revenue basically are to supervise the tax collections of the revenues of Pennsylvania and the proper expenditures. Mr. President, what we are trying to do in this particular case is introduce an amendment that would reduce the personal income tax of the people of Pennsylvania. We did not have the opportunity to do this when we addressed the issue last week with regard to a tax reduction. This is a proper vehicle that gives us the opportunity, since it deals with the powers and duties of the Department of Revenue, to introduce the amendment that we have drafted that would reduce the personal income tax of the people of Pennsylvania from the current level down to a level of 2.5 which would be effective January 1, 1998. It is a three-step approach to reduce the personal income tax.

The opportunity to introduce the amendment was not given to us, Mr. President, in the reduction of taxes last week. Now we have that opportunity to let the people in this Chamber decide whether, in fact, there should be a reduction of personal income tax for the people of Pennsylvania under this section of the Administrative Code, and it is for that reason that I object to the ruling of the Chair, because we think it is important that we do have the opportunity to offer the amendment to reduce the tax burden of the individual taxpayer of Pennsylvania the same way that this body passed the reduction of a tax burden to the business interests of Pennsylvania.

It is unfortunate that the people of Pennsylvania have not been heard. The individual taxpayer, Mr. President, has not been heard by the voices in this Chamber. We think we now have the opportunity to do that. I would ask for a negative vote on the ruling of the Chair to overrule the Chair to give us the opportunity to offer that amendment so that the people of Pennsylvania will have the opportunity of having their individual tax obligation reduced in a three-level approach effective 1996, and then again through 1998. And I ask, Mr. President, for a negative vote on the ruling of the Chair.

The PRESIDENT. Senator Mellow, would that not be an "aye" vote?

Senator MELLOW. An "aye" vote, Mr. President. Yes.

The PRESIDENT. On the appeal of the ruling, the Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I disagree with the position stated by the gentleman from Lackawanna, Senator Mellow. Clearly, the Administrative Code bill is not an appropriate vehicle for this amendment. This amendment deals with the rates of taxation. The Administrative Code deals with the

powers and duties of the various departments of State government. And for that reason, Mr. President, I request a negative vote on the appeal.

The PRESIDENT. Before placing the question before the body, the Chair would define or make clear for the Membership that an "aye" vote would sustain the appeal requested by Senator Mellow, and in the interest of Senator Fisher's position, a "no" vote would be consistent.

Senator MELLOW. Mr. President, would the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

The PRESIDENT. Senator Fisher, will you stand for questioning?

Senator FISHER. I will, Mr. President.

The PRESIDENT. Continue, Senator Mellow.

Senator MELLOW. Mr. President, the gentleman says that he disagrees with me. Does the gentleman disagree with me that we should not have the opportunity to offer a reduction to reduce the tax obligation of the individual taxpayer in Pennsylvania? Is the disagreement that he is opposed to reducing the personal income tax rate in Pennsylvania in view of the fact, Mr. President, that we have a surplus that is in excess of \$500 million?

Senator FISHER. Mr. President, that is not the issue before the Chamber. The issue is the propriety of the Chair's ruling on my point of order. It is on that issue that I disagree with the gentleman. That is what the debate is. That is what the vote is.

Senator MELLOW. Mr. President, would the gentleman tell us if the issue here is the Administrative Code and if the bill is germane or if the issue here is that we would like to reduce the tax burden on the working men and women in Pennsylvania and for some reason the Majority party does not want full discussion of that amendment here in this body, although last week when we did have the opportunity for discussion there was a parliamentary move to the previous question so we could not offer the amendment. I am merely trying to elicit from the gentleman, when are we going to have the opportunity for meaningful discussion on tax reduction not only for the corporate interests in Pennsylvania but, more importantly, for the individual interests in Pennsylvania, in this particular case the individual taxpayer?

Senator FISHER. Mr. President, that is not the issue before the Senate. The issue before the Senate is, once again, the propriety of the Chair's ruling. I believe the Chair ruled in the correct manner. I cannot answer the question that the gentleman has posed.

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

Senator FISHER. Mr. President, can we revert to the matter of leaves of absence?

The PRESIDENT. If Senator Mellow has completed his interrogation.

Senator MELLOW. Mr. President, no, I have not completed it, but if the gentleman would like to add something further, I would be only too happy to listen.

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

Senator FISHER. Mr. President, I was only requesting a temporary Capitol leave for Senator Holl.

The PRESIDENT. Technically speaking, it is not the opportune moment to make that request.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Well, Mr. President, my concern, and I realize the Chair has given us some latitude in the discussion of the issue here, but my concern is the working men and women of Pennsylvania, because they do want to have an opportunity to be heard on the floor of this Senate, and I see nothing wrong with a good, open discussion and an open debate as to what their interests are.

POINT OF ORDER

Senator FISHER. Mr. President, point of order.

Senator MELLOW. Let us not--

The PRESIDENT. Would the gentlemen yield. I am going to encourage the two contestants to complete their remarks and we will place the question to the body.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, my point of order is that the debate of the gentleman from Lackawanna, Senator Mellow, is not germane to the issue before the body at this point.

The PRESIDENT. The Chair would acknowledge that and would prefer that the Clerk begin the roll call.

Senator MELLOW. Just finally, Mr. President, I would like to make one final announcement or one final observation. It is that we do have Article XXV of the Administrative Code here, which we feel is germane, and we cannot continue to hide behind parliamentary moves to consider a tax reduction on the floor of the Senate. It is just another way of trying to divert what the real issue is here. You cannot continually hide behind a parliamentary move. Sometime there has to be open debate. This is a democracy, and all we want is open debate on a tax reduction for the poor taxpayer in Pennsylvania who has not been heard on this floor.

Once again, Mr. President, for that reason, I ask for an affirmative vote.

LEGISLATIVE LEAVES

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

Senator FISHER. Mr. President, I would like to renew my request for a temporary Capitol leave for Senator Holl.

The PRESIDENT. Senator Fisher requests a temporary Capitol leave for Senator Holl. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I would like to request a temporary Capitol leave for Senator Bodack, who has been called to his office.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Bodack. Without objection, that leave will be granted.

And the question recurring,

Shall the ruling of the Chair be sustained?

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

YEAS—21

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

NAYS—29

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Senator FUMO. Mr. President, would the chairman of the Committee on Appropriations, the gentleman from Montgomery, Senator Tilghman, stand for interrogation, please, on the bill?

The PRESIDENT. Senator Tilghman, do you wish to stand for questioning?

Senator TILGHMAN. I will, Mr. President.

The PRESIDENT. Senator Fumo, you may continue.

Senator FUMO. Mr. President, is there a revised fiscal note for this bill? The one on my desk indicates the amount costing \$200,000 and \$100,000. I am wondering if there is a revised fiscal note.

Senator TILGHMAN. Mr. President, I understand the gentleman's question is about the fiscal note. The fiscal note is as appears, \$200,000 to \$100,000.

Senator FUMO. Mr. President, I believe the bill, Printer's No. 2302, requires a transfer to the Rainy Day Fund in the amount of \$30 million, I was told in committee. Is that correct?

Senator TILGHMAN. Mr. President, that is a transfer. That is not a fiscal cost.

Senator FUMO. Mr. President, it would not be a cost to the General Fund?

Senator TILGHMAN. Mr. President, no.

Senator FUMO. Mr. President, I assumed that it was because it was transferred from the General Fund to the Rainy Day Fund, but that being the case, then I at least understand that. Can the gentleman tell me what the total amount of the transfer to the Rainy Day Fund would be under this bill, including that \$30 million plus the 15 percent?

Senator TILGHMAN. Mr. President, approximately \$107 million total. That is the percentage plus the \$30 million.

Senator FUMO. I thank the gentleman, Mr. President. That concludes my interrogation.

Mr. President, this particular bill, as now amended by the Republican Majority in the Committee on Appropriations, does a number of things in government, but the most important thing that it does as far as I am concerned, and I believe my colleagues on the Democratic side of the aisle are concerned, is that it transfers \$107 million to the Rainy Day Fund.

Now, Mr. President, a little bit of history is in order here. Originally, the Governor told the citizens of the Commonwealth of Pennsylvania that there would only be a \$295 million surplus. When we on this side of the aisle clearly and effectively and continuously argued that that was not accurate, that that surplus would, in fact, exceed \$500 million, all we got from the Governor's Office was, they are wrong, they are wrong, they are wrong. Now we find today in this bill, as was just certified by the Majority chairman of the Committee on Appropriations, that that surplus is at least \$513 million.

Mr. President, the way we do that, if you take the \$107 million and subtract \$30 million, which was appropriated directly in the amendment, that leaves you with \$77 million. Under the amendment, that \$77 million represents 15 percent of the surplus. So doing a little bit of mathematical calculation, we now find today, the 27th of June, that the surplus was, in fact, in excess of a half-billion dollars, something that I said, that my staff said, and that this side of the aisle said many, many months ago, only to be castigated by the Governor—and I do call him the Governor—and the general public has again been misled. We were right, he was wrong, and I charge that he maliciously hid those numbers.

Mr. President, we cannot support an additional transfer to the Rainy Day Fund when so many items for people with genuine needs have not been addressed in the Republican budget, while the whims of the rich have been provided for. We have given in this General Assembly, and when I say "we," I mean the Republican Majority has given, amnesty to tax cheats and provided huge cuts to the major corporations of Pennsylvania in their taxes in the amount of \$281 million.

We have even provided a tax break for very affluent widows. It is not the kind of widow that the "decent, honest hard-working Pennsylvanian" runs into, but it is the very affluent, and I think it is important to explain again what that does. Mr. President, what that tax cut did was say to people if you have property in excess of \$200,000 over and above jointly-owned property, we will no longer tax that. Taxes below that line have always been exempt, but somewhere along the line the Republican Majority thought it was very important for economic development to exempt the extremely wealthy widow,

but at the same time ignored the poor senior citizen receiving SSI and gave them a 10-percent reduction in their benefits. Mr. President, nothing could be further from fair.

We cut welfare back severely, we cut job training, fanning the potential for more problems in the future. The Republicans eliminated funding for the Connelley Industrial School, for the Bidwell Training Center, two of the finest job retraining institutions in this Commonwealth, gone. Mr. President, before Governor Casey signed on to the last welfare reform bill he demanded and got the fact that there would at least be job training for those people on welfare whose benefits were going to be eliminated so that they could learn how to work and how to be productive. This year the Republicans dropped that program of New Directions.

Mr. President, it has been said around here, gee—and I think it occurred during the debate on welfare last time—how come you did not go further on that side of the aisle on welfare? And then a cynic said to me, Republicans will never eliminate welfare for two reasons: Number one, they will have nothing left to campaign against, so they will chip away a little bit, save an issue, chip away a little bit, save an issue, chip away, save a little bit. And, Mr. President, more importantly than that, a lot of Republican constituents provide the medical care and make the money on the side where we get into medical benefits. They would cry to the high heavens to their Republican Senators and House Members if they dared eliminate their ways of making a living. But yet we saw games played in this budget with so-called welfare reform that do nothing to reform a system, that merely hurts those who cannot help themselves.

Mr. President, vocational rehabilitation was reduced by \$4.3 million because of our failure to provide enough money to match Federal dollars in job retraining funds - penny wise and dollar foolish. Grants for community conservation and youth employment were eliminated because "Ridgies" had to be installed, and for those who have forgotten what "Ridgies" are, they are Republican Initiatives Designed to Guarantee Incumbent Election Success. They were inserted in place of valid programs that affected every Senate district in this Chamber with the exception of three.

Mr. President, the Republican budget failed to put money into emergency homeless shelters, only aggravating the problems in our cities. Probably the cruelest thing of all was the failure to put more money into the CHIP program. For those of you who have forgotten what that is, that is a program that provides basic needed health services to the children of working men and women with incomes of less than \$40,000, not welfare recipients, not the traditional target of the Republican Majority, but "decent, honest, hard-working Pennsylvanians" who are stuck in low-paying jobs because of the economy, who cannot provide for medical care for their children, and you did not want to fund that either to add more children to those rolls. Currently, 47,000 children are being covered. There is a demand in excess of 113,000 children, but, no, you would rather stash money in the Rainy Day Fund than take care of those children of "decent, honest, hard-working Pennsylvanians."

Mr. President, the Republican budget cut special education funding for the cities of Pittsburgh and Philadelphia, exacerbating further the problems with special education in those two cities. And I understand that because there is only one Republican Senator here from Philadelphia, and I do not believe any from the other side of the aisle from Pittsburgh, so why care about those two large cities in this Commonwealth?

Mr. President, we have shortchanged the tuition challenge grants for colleges by \$5 million, education assistance grants by \$5 million, and the needs of the State System of Higher Education have gone unmet, thereby making a tuition increase necessary for the children of largely low- and middle-class families in this Commonwealth. The wealthy send their children to much more affluent schools and are not that worried about that. Housing and redevelopment assistance for urban areas has been reduced 33 percent, when the need is twice what we have already historically budgeted. Labor management committees, MILRITE, and other things which headed off labor strife have been done away with.

Mr. President, all this, all this you wanted to do and you did in your budget into which you would not allow us input. You did this in your tax cut that you would not allow us to debate. Today again, you would not allow us to even consider whether or not instead of stashing money into some Rainy Day slush fund you would let us give some money back to the people of Pennsylvania through a cut in the personal income tax. And, Mr. President, to add insult to injury, you did not even want to put this money into the Sunny Day Fund, which creates jobs and opportunities. No, you are busy squirreling it away everywhere you can at a time when "decent, honest, hard-working Pennsylvanians," the words of the Governor, not mine, are struggling to survive. It is unconscionable, it is immoral, it is dead wrong to waste that kind of money in that fashion, and we will not support it.

And now we are in the Minority, but as you continue your arrogance and as you continue to ignore "decent, honest, hard-working Pennsylvanians," the message will go out and you will be where we are today in numbers and then we will provide what is needed for "decent, honest, hard-working Pennsylvanians." Mr. President, I urge a negative vote.

Thank you.

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

Senator LOEPER. Mr. President, I think we have heard much from the previous speaker as to his view of the spending plan and the tax reduction plan that has been enacted by this General Assembly this year. You know, Mr. President, it is ironic in some respects that the gentleman is referring to the amount of surplus. It seems to me for so many years we have sat on this Senate floor and we heard about how far in deficit Pennsylvania State government was. Was the deficit going to be \$100 million, was it going to be \$1 billion, or in 1991 was it going to be \$3 billion in debt?

And, Mr. President, how refreshing that today we hear that Pennsylvania finally has turned the corner, our economy has turned the corner, and because of prudent budgeting, prudent allocations of dollars to new programs--and I would take ex-

ception, Mr. President, to the gentleman's assertion that many of these programs have been underfunded or not funded, particularly Sunny Day--to give us new job opportunities in Pennsylvania. Our tax climate now is one that has improved significantly to try and attract new business and industry and jobs to Pennsylvania. We are replacing the deficits of the last several years with surpluses now, Mr. President, and we are looking toward the future so if we do have a downturn in the economy we are prepared to deal with it and not have to face a massive tax increase like we did in 1991. Mr. President, I am proud that we are here today talking about surpluses and what we have been able to achieve thus far in this year's spending plan.

I think it is very unfortunate, Mr. President, when we characterize the welfare bill that was passed in this Chamber last week as a cruel hoax on the people of Pennsylvania. I would simply remind the Members of this Chamber that that cruel hoax passed this Chamber by an overwhelming bipartisan vote of 44 to 6. It would seem to me that after the long debate of last week that there were many in this Chamber who felt that the overall bill as considered at the end of the debate was one worthy of their support, overwhelming support as evidenced by the vote by which it went to the House of Representatives.

Mr. President, I think we also have to keep in mind that we are fortunate this year that we do have a surplus. We are fortunate in the regard that we were able to improve our business climate in Pennsylvania to make Pennsylvania more job-friendly and attractive for new job opportunities, but that does not mean we have to spend every penny that we have available. It is the spending practices of the gentleman from the other side of the aisle and many of his colleagues who have put us in a deficit position in the past.

Mr. President, there were new dollars added to many of the programs this year. In fact, the gentleman referred to special education in the cities of Philadelphia and Pittsburgh. I point out for the record that there was an additional \$10 million inserted for special education programs in the city of Philadelphia as well as Pittsburgh. I am sure that this budget, like many budgets, does not satisfy every need of every constituency across this State, but I believe it reflects a very responsible, fiscally prudent spending plan, one that we can be proud of in moving into next year.

Mr. President, however, the issue before us is the Administrative Code bill and many of the components that are in that bill, and particularly I would just indicate to the previous speakers that there are many opportunities within the Administrative Code bill before us tonight that are going to extend employee ownership assistance programs, the bid program, industrial communities assistance programs, many of the programs that have been successful in job creation and helping our people of Pennsylvania. Mr. President, I would ask for an affirmative vote on the bill.

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

Senator FUMO. Mr. President, I feel compelled to respond and to let people know what the facts really are. This is not Tom Ridge's surplus, this is Bob Casey's surplus. And the gentleman was with me in 1991 when this State, because of

the bad economy generated by George Bush, ran into a brick wall. We worked together. We spent many, many months here in the summer trying to come up with a tax program that would solve that problem. And the gentleman on that side of the aisle was very cooperative, as were we, and it was, in fact, a bipartisan tax increase, the biggest in the history of this Commonwealth. But when we did that, we promised the people of Pennsylvania that when times got better, we would return that money to them. And we are not arguing that much about what went on in the budget, because that is history now. We are, in fact, arguing about the bill that is in front of us. And what we are saying is instead of taking \$107 million and burying it in some slush fund, give it back to the people of Pennsylvania who generated the service. Give it back to the people of Pennsylvania who worked hard, who paid their taxes, who created that surplus.

And as far as tight fiscal management and all those wonderful things that were just talked about, they are a legacy from the Bob Casey administration. The gentleman knows that, I know that, the Governor knows that. Never before in the history of a campaign was any candidate so very, very careful to never criticize the incumbent Governor because he knew what the truth was, too, Mr. President. So let us not kid ourselves about what is going on here. And there have not been deficits in the last couple of years. That is an untruth. We had a surplus last year. And what did we do? Last year when Bob Casey was here in the Governor's chair and we negotiated a budget, we said, yes, we will give back some money to business because it has been a good year, and now this year with another good year it is time to give it back to "decent, honest, hard-working Pennsylvanians."

We are debating this bill. We are debating whether or not we want to take \$107 million and lock it up somewhere rather than give it back to the people who made that money possible. Mr. President, nothing could be more simple. There could not be a clearer choice on the face of the earth. Do we bury it in some slush fund or do we give it back to the people out there working hard for a living who put it together to be here in the first place? We as Democrats say we do not want to bury it in a slush fund, we want to give it back to the people who produced it. You as Republicans want to bury it somewhere, maybe so you can give back bigger tax breaks to the wealthy, to the rich, and to even more corporations.

That is what distinguishes moderate Democrats from moderate Republicans. The extremes will always be distinguishable. It is in the middle somewhere where we get confused. Moderate Democrats are still for "decent, honest, hard-working Pennsylvanians," and the moderate Republicans, by virtue of what they have done during this budget Session, have shown their true colors. The only friends they have are big business, big contributors, and the wealthy. That is what separates us. It is a wide gap, but we would prefer to be with our constituents who work for a living rather than your coupon cutters any day of the week.

Thank you, Mr. President.

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

Senator AFFLERBACH. Mr. President, as the hunting public of our great Commonwealth knows, spring gobbler season has been over in the fields and forests of Pennsylvania for some time, but evidently it is alive and well here on the Senate floor today as we look at this bill amending the Administrative Code.

We all know that the Administrative Code is always a bill that becomes an omnibus vehicle for various and sundry things, and this bill, indeed, has some good parts to it. Section 2210 dealing with modeling and theatrical agencies I think is a worthwhile section deserving of our approval. The tree harvesting practices section is worthwhile and deserving of our approval. We have a section on victim's services advisory committee that may also be worthwhile and deserving of our approval. But in addition to the sections discussed by previous speakers, we also, on page 7, have a section 2102, which would authorize the appointment of a single deputy secretary to resolve appeals over certificate of need applications.

Now, Mr. President, just a few years ago when this Chamber radically revamped the certificate of need process with legislation that was approved here and in the House and by the Governor, we established a health policy board, specifically to set policy for certificate of need and ostensibly to deal with appeals to those various provisions that had been set. This bill would now essentially take that power away from a health policy board and invest it solely in a single individual, a deputy secretary within the department. I have not been able to find out any specific reason as to why that should be done, and, frankly, based upon my experience in certificate of need issues over the past 20 years, I have serious, serious doubts about vesting a single individual to decide appeals on this issue.

And then we have on page 9, section 2211.1, which would direct the Joint State Government Commission to investigate the State Workmen's Insurance Fund to be sure that it is performing adequately and in accordance with the kinds of standards that other similar insurers in the private sector would be performing under. Now, Mr. President, within the past 2 years the Legislative Budget and Finance Committee, chaired by the esteemed gentleman from Delaware County, Senator Bell, conducted a thorough and complete performance audit of the State Workmen's Insurance Fund, and to the surprise of many it demonstrated that the fund was, in fact, well-run, well-operated and that there was no need for any substantive changes in the manner in which that fund is operated.

I fail to see the economic wisdom in now requiring another agency of State government to perform another in-depth investigation less than 2 years after the Legislative Budget and Finance Committee completed its performance audit of this fund. Evidently there are still some nonbelievers out there based upon the work done by that bipartisan, bicameral agency. I do not think it is a wise use of State funds to continue to study the same agency over and over just because perhaps the results did not come out the way some people would have liked to have seen them.

For all of those reasons, I would suggest that this bill itself should be relegated to section 1714 on page 6, which deals with anaerobic manure digesters. I ask for a "no" vote.

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

Senator WILLIAMS. Mr. President, I rise to challenge the remarks of the gentleman from Delaware, Senator Loeper, as he in his dialogue or debate challenged the conclusion of the gentleman from Philadelphia, Senator Fumo, as to whether the actions relative to welfare were, in fact, cruel, and he justified his conclusion by way of saying there were some 40 Members of this body who voted that way. Well, I do not think cruelty is defined by the number of legislators in a legislative body who voted for it because there is a long history on the books of Congress and State legislatures which separated people on the basis of race, sex, all demeaning God's people, so the numbers, the majority, do not define the actions, good or bad, or civilized or uncivilized.

I would just refer to, I guess it is Webster's Dictionary, to indicate that Senator Fumo is right, that the actions of this legislature and others ignore, disregard, and define poor people as not counting and have been treated cruelly. And it says, "disposed to inflict pain"—and there is a lot of pain out there—"or suffering: devoid of humane feelings." That means to say these policies were made for whatever purposes but were totally separated from any feelings that anybody had. "Causing or conducive to injury, grief, or pain."

It also happens to be very, very costly in the long run, but those things can be hidden. But I do not believe that the category of people called poor people, a lot of whom are veterans, ought to just sit there and think that we rationalized their humanity by saying it is not cruel because 44 people voted for something. I voted the opposite, and I just want to make it clear that those actions were, in fact, cruel, at the very least. They ignore the humanity of Pennsylvania citizens and, in fact, will prove to be extremely costly. So we have a cost dis-benefit, infliction of inhumane pain to the least of people, while the more well-to-do people gain, and I do not know what that is but the rankest of cruelty.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I had not intended to speak on this issue, but the debate got to the point where I thought I would at least like to make a few points that I think are very relevant and very germane to the argument.

I listened to the gentleman from Philadelphia, Senator Fumo, castigate us on this side of the aisle as something less than kind-hearted and he made personal references to the manner in which this budget process was conducted. Mr. President, I do believe that there are honest, serious differences of philosophy in the manner in which this budget was drafted. It should come as no surprise to anyone because candidate Ridge campaigned on this budget. A budget, as we know it, is a set of priorities. Those priorities may not be the same priorities as those of the Members on the other side of the aisle, and that is fine. We can disagree. We can debate. I do not think it needs to be as personal as the gentleman from Philadelphia, Senator Fumo, makes it, but, nevertheless, I think we can honestly disagree on what the priorities should be.

Mr. President, this was a very difficult week in Pennsylvania, or last week was, that is for sure. We saw the recommendation by BRAC of the closing of the Letterkenny Army Depot. Close to 2,500 jobs in Pennsylvania, Mr. President, are going to be lost. We saw what happened at Indiantown Gap. I just learned that 140 jobs are going to be at least suspended in layoffs at Conrail in my home district in the city of Altoona. What does this budget do? The class warfare that has been stirred up by the gentleman from Philadelphia, this budget is an attempt to create jobs. Yes, we cut business taxes and we supported that and the Governor ran on it, and I think that he is absolutely on the right track. The defining moment, certainly, in the Governor's campaign was that he would not only support the cutting of business taxes but he would accelerate that which Governor Casey began 1 year ago.

Mr. President, we seem to be debating the budget over and over again, but, nevertheless, it is germane because part of this budget puts money in the Rainy Day Fund. Should we be doing that? Well, Mr. President, I think we should, and I think on this side of the aisle we believe that is the prudent thing to do. Do we know what the Federal government is going to do next year? Absolutely not. But we know one thing for sure: There will not be the Federal money coming into Pennsylvania that has come in in the past in the new budget that is going to be agreed to eventually by the Clinton administration and by the Republican-controlled Congress. That is obvious. Everybody is on board. We are going to balance the Federal budget, they say, by 2002. And if that happens, Mr. President, you can bet everything we have that the money that has come in in the past from the Federal government will not be coming into Pennsylvania. Is it sound practice to say to the people, the taxpayers, the hardworking, decent taxpayers whom Senator Fumo refers to who are Republicans and Democrats and Independents, that we want to make sure that we do not cut so deeply that we have to return here next year or the year after and say we have to raise those taxes? I have seen that game played before, and it is the wrong game to play for the people of Pennsylvania.

Mr. President, I believe that the most important thing that we can be doing now is to be creating jobs, to put the money in the budget to be able to do economic development. I stood here at this very microphone not too many weeks ago pleading for votes on a Sunny Day Fund bill, a bill that could have cost my district 500 jobs, and the votes were not there the first time. Fortunately, they were there the second time. Mr. President, I believe that there is sufficient money for economic development in this budget. I believe that there is economic incentive in the welfare reform bill that will help people get off welfare and into jobs, if we create the jobs, if we can say to our neighboring States that we can compete with them, that we can go to any State and say Pennsylvania is a good place to work and do business, because the work ethic of the people is clearly there, and that is what the people want. They want to be able to work. They want a sense of self-esteem, and I believe we have given it to them in this budget.

And if we were to take one-tenth of 1 percent in the personal income tax and cut it, \$180 million, I am not sure that we would be keeping faith with the people. Yes, it makes good

political rhetoric, it makes great 30-second sound bites, but is it good fiscal policy at this point when we do not know what the Federal government is going to do? I doubt it. I have listened to the rhetoric about those rich widows. Those rich widows are farmers' wives, because the number one group in Pennsylvania who wanted the repeal of the widow tax was the Pennsylvania Farmers' Association. Are they the rich widows?

It is easy to create class warfare, Mr. President. It is easy to anger the people so that they react against those whom they say are protecting the so-called rich against the working people. Sometimes, Mr. President, it takes a lot of guts to stand up and say "no" to a populist appeal like that. And I think on this side of the aisle, sure, maybe it is a tough vote and maybe we will see it in 30-second sound bites someday and campaign rhetoric against it, but I think the time has come to look at what we have tried to do and, as I said, they have every right to disagree with us that they do not want to put any more in the Rainy Day Fund, but I want to say, Mr. President, that I believe it is the right thing to do. I think it is the responsible thing to do. I think it is absolutely what Tom Ridge ran on, and that is managing State government, and I think it is a vote that I can stand up and go back to my constituents and say, yes, I would have liked to have voted, and I hope I can vote in the future if there are future surpluses, if we manage our money wisely, that the balancing of the budget is not going to hurt us but, rather, create more jobs, create prosperity in this State so that every man, woman, and child who wants a job can have one.

That is what I stand for, Mr. President, and I stand before this body, I stand before my constituents, and I say it is the right thing to do. It is the right thing to do. You budget properly. And when you are in the Majority, you have to be responsible, you stand up for what you believe, and when you are in the Minority, you do not have to, you can give the populist attack.

We can disagree, Mr. President, and I think we have a right to honestly disagree, but let there be no mistake about it, prudent budgeting is not an easy thing to do, to stand before people and say we need to put money away, just like you do in your budgets. We need to put money away so when the bad times come there is money. There is money for the kids' education, there is money for food, there is money to take care of the family in times of need, and so must Pennsylvanians, Mr. President.

As I indicated when I first began these remarks I had no intention of making, I will tell you that we can honestly disagree, and we are not radical people, we are not extremists on this side of the aisle, we are people who are just trying to do a right job representing middle-income people. Anybody who wants to come to my district and tell those Conrail workers who were just laid off, or go to the district of the gentleman from Franklin, Senator Punt, and talk about the people at Letterkenny who were just laid off, let me tell you something, they want us to create jobs. They do not want a handout. They want a job, whether it be in the private sector or the government sector, or whatever it is, that is all they want. And I think this budget has gone a heck of a long way in doing that, and

I think the action we take here today makes sure that the situation cannot happen in the future.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tartaglione has returned, and her temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Senator MELLOW. Mr. President, it is quite amazing how sensitive some Members can become when you start talking about some of the areas in which this budget does not address the needs of the people of Pennsylvania. The characterization of the last speaker who said that we castigated those on that side of the aisle and that we made personal references in the way the budget was crafted and the way candidate Ridge campaigned on this particular type of budget and on tax reductions, I would like to remind the gentleman that the only individual who did not campaign on tax reductions was the gentleman who comes from the House of Representatives, Dwight Evans. In fact, Dwight Evans was the only candidate in either the primary or the general election who did not talk about tax reductions. He talked about programs for the people.

Governor Ridge also, Mr. President, campaigned against WAMs, and you do not have to be a rocket scientist to read all of the accounts in the newspapers over the last several weeks, and the one particular account that I have right here is the Harrisburg Patriot News dated June 16, and it says "RIDGES, WAMs, BAMs or RAMs." So, let us not talk about what Governor Ridge campaigned on. Let us talk about what we as elected officials in the General Assembly think is important that we do for the people we represent.

And it is unfortunate, Mr. President, that when we debated the budget last week that 90 minutes into the debate on the budget, a budget that is in excess of \$16 billion, because the other party in this Chamber did not hear what they wanted to hear, they moved the previous question, which is a parliamentary move so that the people of Pennsylvania would not hear the true discussion and the true debate about this budget. And then the next day, Mr. President, or shortly thereafter, the same move to the previous question took place on House Bill No. 39, which was characterized by the gentleman from Delaware, Senator Loeper, as a bill that passed overwhelmingly with only six Members voting against the bill. And I was one of those six Members, Mr. President, who voted against that bill, and I am very happy and proud to say that I did so because we wanted to present a program to the Members of this General Assembly and to the 12 million people of Pennsylvania that would not protect the fat cats of Pennsylvania, that would not give individuals in Pennsylvania who are not paying their taxes the opportunity, because of a provision that appeared in that proposal, to come clean and say, through tax amnesty, you have investigated me through a criminal investigation, you

have identified me as a taxpayer in Pennsylvania who is not paying my taxes, yet the Republican Party in Pennsylvania, through House Bill No. 39, is now going to give me the opportunity to say, yes, I defrauded the people of Pennsylvania, I did not pay my taxes, but because we now have a new provision, if you will, in law, I am not going to have to make the proper restitution. I will pay my taxes, I will pay some interest, and I will be forgiven for something that I have done wrong.

Now, Mr. President, we talked about, or at least it was talked about here, tax breaks for business and what tax breaks for business are going to do for the economy of Pennsylvania. Well, Mr. President, last year, the first substantial year that we had under the Casey administration where there was a surplus, we reduced taxes rather significantly for business, but what did that mean to Armstrong coming out of Lancaster County? It did not mean a thing because they announced that they would be moving an operation and laying off a number of people in Pennsylvania. Mr. President, what happened in the Philadelphia Inquirer today, Tuesday, June 27, 1995? Lockheed-Martin is eliminating 5,000 jobs in the area. And I understand, Mr. President, through other publications, that at least 1,200 of those jobs will come out of Montgomery County.

Well, what happened last week when we reduced taxes with the announcement on the floor of this Senate from a number of Members on the other side of the aisle that this was going to be the panacea that was going to keep business in Pennsylvania? Well, Mr. President, I think the gentleman from Blair, Senator Jubelirer, said it quite accurately when he said Pennsylvania has a great work ethic and people want to locate in Pennsylvania not because of a tax structure, because anyone you talk to who is not associated with the General Assembly, any economist you talk to who talks about why businesses do or do not locate in a State will tell you that taxes are not the reason why businesses decide to locate in a State. There are a lot of other things that are involved long before taxes come into consideration, Mr. President, and the work ethic of the people is the preeminent reason why businesses want to locate in a State, and that is the reason why businesses will want to come and locate in Pennsylvania.

But if there is such a burning heart across the aisle to establish industrial development programs, then why did the Sunny Day Fund only receive a \$15 million appropriation? And \$10 million of that \$15 million, Mr. President, is already committed. When we talked in this body several weeks ago, maybe a month ago or so now, about the Sunny Day projects that would take place in two counties in Pennsylvania, we asked during that debate to make more money available for a Sunny Day project, for the Sunny Day program, to provide for industrial development for people in Pennsylvania to work and to be able to live right here and raise their families. But it is obvious, Mr. President, that that discussion has fallen on deaf ears. It is quite obvious that we will only have \$5 million left in the Sunny Day Fund to attract business to Pennsylvania in view of the fact that Lockheed-Martin is going to close down, which is going to result in a great loss and a great hardship here in Pennsylvania, and that Armstrong out of Lancaster is going to

close an operation, which is going to put additional people on unemployment.

And what has happened? The Republicans, through this particular proposal, have said, we want to add \$107 million to the Rainy Day Fund to protect themselves from themselves. Because what is happening in the Congress of the United States is not happening through a Democratic administration in Congress, it is happening through a Republican administration in Congress. And if you have a problem with the cutback in Federal funds that are coming to Pennsylvania, then I suggest that you talk to the front runner in your party who is running for President, the Majority Leader of the United States Senate, or talk to the Speaker of the House, who I understand, in part, comes from Pennsylvania, the same individual who it was suggested last week was making calls into Pennsylvania to get people to vote for choice, for whatever reason that may involve itself, Mr. President.

There are a lot of things, Mr. President, that we have to deal with here. There are many, many differences in the philosophical beliefs of what our two parties are made up of, but moderate people should be able to discuss things in a moderate fashion and come up with solutions. And you do not do that, Mr. President, by cutting off debate. You do not do that by having no openness in the formulation of a budget. You do not do that by passing a bill that does nothing but protect the fat cats in Pennsylvania, those who do not want to pay their taxes in Pennsylvania, and say, yes, through House Bill No. 39, that we will give you the opportunity to come clean and say, although you have not paid your taxes, we now will give you the opportunity of saying, you are forgiven in Pennsylvania.

Mr. President, if you read the veto message of Governor Casey of several years ago on tax amnesty, the same reason why Governor Casey vetoed the tax amnesty bill then is the reason why Governor Ridge should veto House Bill No. 39 today. Not because it gives tax breaks to wealthy corporations, because more than 70 percent of those corporations are not paying one dime's worth of corporate net income tax in Pennsylvania, but, more importantly, because it allows the fat cat tax cheats to go ahead through a tax amnesty and hide, the same way Members of this body were able to hide last week by not allowing open debate on a budget, the same way Members of this body were able to hide last week by not having open debate on the tax reduction, the same way Members of this body were able to hide just a few moments ago when we asked on the Administrative Code bill that we are dealing with right now to present a proposal to reduce the personal income tax in Pennsylvania, and once again they hid behind a parliamentary move so that we could not present that to the people of Pennsylvania. But you will only be able to hide for so long and you will only be able to hide so much before you will finally be exposed for what you are bringing about here in Pennsylvania.

No, we are not satisfied with what is happening, and, yes, Mr. President, we have 21 Members, but each of the 21 Members in this body on the Democratic side represents at least 230,000 people, and those people are not being given the opportunity of being heard properly. It is unfortunate that it has

gotten to this point. It is unfortunate that the debate on this floor is, in fact, mean-spirited, and it is mean-spirited because we are losing the true meaning of what a democracy is and we are trying to protect people in this State who, in fact, do not need protection.

We should be reviewing, once again, what took place here last week on House Bill No. 2. And I understand, through the wisdom of the House of Representatives, that they may non-concur on House Bill No. 2 because they do not agree with what took place here last week. And if that takes place, Mr. President, we then will have a conference committee, and perhaps, just maybe perhaps, we can resolve in a conference committee what we could not resolve on the floor of this Senate last week, although several Republicans did vote with the Democrats for an amendment that was offered by the gentleman from Philadelphia, Senator Jones, which is an amendment that would deal in a realistic fashion with what is happening in this great State of ours and try to reach out to people who have not been able to do for themselves.

So, Mr. President, we are not satisfied with what is encompassed in this particular bill. We are not satisfied with what happened through the budget and how the budget does not meet the needs of the people of Pennsylvania. We are not satisfied with House Bill No. 39 and how it gives tax amnesty to people who wanted to cheat and defraud the taxpayer of Pennsylvania by not paying their taxes. Mr. President, we would like to work together. We would like to give businesses tax reductions. We would like to give people the proper type of tax reduction because the individual taxpayer made the \$500 million surplus possible, not the corporate interests in Pennsylvania.

And it is for all these reasons and many, many more, Mr. President, that probably will not be articulated on the floor here this evening, that there is no way that we can support this proposal, and it will pass by a vote of 29 to 21. And if I am not careful and if other speakers on this side of the aisle get up and they say too much and they ruffle some feathers over there, immediately someone will rise on the floor of the Senate, they will move the previous question, and we will have the puppeteers and a few of the puppeteers will jump up and second the motion and they will cut off debate, and we realize that we are skating on very thin ice, but we will be heard. There is no way that you will be able to cut this microphone off. There is no way that that side, through a parliamentary move, will be able to cut off our debate. The people of Pennsylvania are not being treated properly, Mr. President, and we will pursue it and we will defend individual taxpayers just as long as there is a Senate of Pennsylvania, and I ask for a negative vote.

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

Senator ARMSTRONG. Mr. President, I will be brief. I was not going to speak either, but you hear some of these things and you know the rhetoric and then you know the facts. And anyone listening or watching this, maybe they do not know all the facts, but it seems that the Democrats, by class division, think they can garner the middle class and perhaps the poor

and make the rich the Republicans and they can win elections that way.

It will not work. It is not business versus people. It is not the rich versus poor. The people have wised up. It is jobs versus more government programs. We have reduced the CNI, the corporate net income tax. What happened when the Democrats were in power? They raised it 50 percent. We are trying and we will probably in the future cut the personal income tax. What did the Democrats do? They raised it 50 percent. We passed a bill that eliminated the widow's tax, the onerous tax on widows that they have to pay a 6-percent tax on property that they have in their name. A very onerous tax, probably the worst time in your life for you to pay a 6-percent tax. Governor Casey vetoed it. This Governor has changed that.

This last administration has brought Pennsylvania down to its knees. Governor Ridge wants to change that. He wants to keep the jobs we have now. Let us use the base we have now and work with that. Let us attract more jobs to Pennsylvania, and let us expand the jobs we have now. We want more opportunity, more rungs in the ladder, more pay for individuals. In the years I have been in the House and the Senate, when the personal income tax was between 2.5 and 3 percent, I have never heard one person complain to me that it has gone up a little bit or down a little bit. It is not an issue. They want a job. If they have a job, they do not mind paying a little bit of tax. If you ask an individual, what do you want, do you want a dollar deduction on your personal income tax in Pennsylvania or do you want a job, it is a ridiculous question, you know what they want.

One of the speakers talked about coupon clippers, like Republicans are coupon clippers. For the record, coupon clippers are a thing of the past. We have not had coupons on municipal bonds for 15 years. People who voted for Tom Ridge are tired of more spending, they are tired of more taxes. The people have wised up. The Democrats under Governor Casey had 8 years, they had 8 years to change things. What did they do? More taxes, more government programs.

We now have a new Governor in Pennsylvania, we have a new direction. The people know the winds are changing and they want to take a new tack. This bill will have a Rainy Day Fund. It is a prudent thing to do. That is what people do, they put a little aside for rainy days. I suggest a positive vote.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, some additional observations. First of all, the previous speaker talked about the 6-percent widow's tax on property. The widow's tax basically could have been eliminated by anyone by having joint property, having property in both names.

Mr. President, if we are so concerned in this particular body about further reduction of business taxes, then why do we not take the \$107 million that has been squirreled away in a hole somewhere so it can be brought out at another time and further reduce business taxes? We can further reduce the corporate net income tax, Mr. President, or we can expand on the loss carryforward provision to reduce business taxes, or we can reduce

the personal income tax, which is a reduction of business taxes to those individuals who pay taxes under a subchapter S corporation or those businesses that pay taxes as a sole proprietorship or a partnership.

Now, Mr. President, we did travel throughout the State and we did have a number of public hearings with regard to taxes. And we talked to a lot of people. We brought people in who were independent with regard to what the outlook is in Pennsylvania with regard to taxes. An economist from Temple University said to us, and I am going to quote from him, he said, "The economic outlook in Pennsylvania is brighter now than it has been for a decade or more. It is the appropriate time to develop a detailed, meaningful fiscal plan for the remainder of the century so that all economic decision makers can approach the future with the assurance that government policy is in place and they can make rational decisions."

The decisions, Mr. President, they want that are rational is not that you reduce taxes this year, and because next year you have a drop in the economy that you have to raise taxes. They want consistency. They want to know what the playing field is going to be not today but what it is going to be 3 and 4 years down the road. And you do not accomplish that by having significant reductions today and having to go several years from now and having significant tax increases.

Now, Mr. President, there is no way that we can continue to listen to the allegations that there was more tax and more spend. I think that dog does not bark anymore, because we have heard it over and over about the previous administration. I would like to remind the Members, in case we have forgotten institutionally, that if it were not for seven Republicans in this Senate in 1991, there would have been no tax increase. Personal income tax would not have gone from 2.1 to 3.1. Corporate net income tax would not have gone in excess of 12 percent. The loss carryforward provision would not have been eliminated. And on and on. The deductible for the capital stock and franchise tax would not have been reduced from \$100,000 down to \$50,000.

Mr. President, we did not create the deficit and we did not create the tax program simply on our own. We had a lot of cooperation because we had a problem, but to say that it has been the new programs of the previous administration that have brought about a problem of tax and spend is very short-sighted.

And I would like, if I could, to just suggest to the gentleman from Lancaster, Senator Armstrong, that when he talks about a new program, perhaps he should look at the greatest new program that is being developed by the administration, that program being the voucher system or the choice of education, which was debated on this floor in 1991, when we said, tell us what programs you want to cut or what taxes you want us to raise, because that is going to be the greatest program that is going to be brought upon the people of Pennsylvania with regard to a significant tax increase. So if you want to increase taxes and you want to talk about new programs, then the Governor of Pennsylvania is trying to bring upon the people of Pennsylvania the greatest new program in 25 years that is going to cause significant tax increases to all levels of Penn-

sylvania, and if the corporate interests want to move out of Pennsylvania now, and the greatest indication to us is that most of them do not, based on an increase in taxes and based on new programs, then wait until they see the full implementation of a voucher system in Pennsylvania.

Again, Mr. President, I ask for a negative vote.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Holl has returned to the floor, and his temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Senator O'PAKE. Mr. President, I also had not intended to engage in this lengthy deliberation, but the gentleman from Lancaster, Senator Armstrong, raised the question of jobs and job creation and programs that we should be supporting to put more people to work, and I wholeheartedly agree. And if the gentleman is serious and sincere about his concern for putting people to work, we should be making provisions before putting aside \$107 million into a Rainy Day Fund to provide for the current funding of a program that is trying to keep people from that rainy day now.

We will be kind and say that in the budget changes a mistake was made and funding was cut for the Progressive Readiness for Employment Program. The Governor had recommended \$204 million. As a matter of fact, letters went out to about 100 agencies in 34 different counties telling them that they were going to get a contract to train people for jobs. The bulk of the people being trained for these jobs are people on welfare. Many of them were teenaged mothers, those who are very much locked into the welfare system and who seriously want to get out of the welfare system and they want a job. That is the best welfare reform that we know of.

Unfortunately, something happened in the deliberations and the budget that was rammed through here cut the funding of the Department of Community Affairs for that project. As a result, and if the gentleman would check, because his county is probably affected, 44 job training programs in 34 different counties in Pennsylvania which were currently working with over 2,000 students training them for jobs have been scrapped, they have been cut. I have been advised this afternoon that the Secretary of the Department of Community Affairs is trying to find funding somewhere else, but if we were serious and if we were committed to trying to not only knock people off welfare but to prepare them for a working job which will put a paycheck instead of a welfare check in their pocket, then we ought to be restoring that funding before we take all that money and squirrel it away for a rainy day.

For many people today is a rainy day. There is a need. These people want to get out of welfare, they want a job, and we really ought to address that before we take all this money and put it away against some future need. The need is now, and I suggest that this money, \$2.4 million, which will draw

down another \$1.7 million in Federal funding, we are going to lose that if we lose this program. That should be our priority right now.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Schwartz.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Schwartz. Without objection, that leave is 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—30

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

NAYS—20

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

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

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 1817 CALLED UP OUT OF ORDER

HB 1817 (Pr. No. 2184) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

HB 1817 (Pr. No. 2184) – The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

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

Senator FUMO. Mr. President, will the gentleman from Delaware, Senator Loeper, stand for brief interrogation?

The PRESIDENT. Senator Loeper, will you stand for questioning?

Senator LOEPER. I will, Mr. President.

The PRESIDENT. Senator Fumo, continue.

Senator FUMO. Mr. President, in order to save time on this issue, the hour is late, will the gentleman inform me whether or not there has been a change in the position of his Caucus about receding from the extra money that was placed into Penn State's budget or allowing amendments to go in to equalize those appropriations for Pitt, Temple, and Lincoln?

Senator LOEPER. Mr. President, the bill before us, House Bill No. 1817, was passed with two-thirds vote, both Republicans and Democrats, in the House of Representatives. It is at the same level for Penn State University as the nonpreferred appropriation bill that was before us for Penn State in the Senate, which the gentleman and his Caucus voted against on two occasions.

Senator FUMO. Mr. President, I can only assume from the gentleman's evasive answer that his position has not changed.

Mr. President, for that reason and because we on this side of the aisle feel that it is important to have equity and fairness when it comes to the State-related institutions, until the Majority in this Chamber decides to either recede from the extra giveaways to Penn State or to allow us to assist the other universities that are similarly situated, we cannot support this bill. We have nothing against Penn State, but we do have something against the Majority inserting "Ridgies" into these non-preferreds and trying to get away with it.

Mr. President, we cannot and will not tolerate such shenanigans. It is a shame that Penn State University has to be treated in this fashion by the Majority, but we have no other choice, Mr. President. We implore the Majority to see the light and to allow for fairness and equity in these institutions rather than being piggish about it just because of their numbers.

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

Senator LOEPER. Mr. President, I would simply remind the gentleman that on this floor last Monday his Caucus, in total,

voted against the nonpreferred appropriations for Lincoln University, for the University of Pittsburgh, as well as for Temple University, at the funding levels that are now before us.

Senator FUMO. Mr. President, in response.

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

Senator FUMO. Mr. President, the reason why we did that was because we were hoping that there would be some hope in this Chamber to equalize those appropriations. If the gentleman allows us today, we will be more than happy to vote those numbers where they are, but that will only solidify our resistance to Penn State's additional moneys. And the gentleman can have it either way. We will resist today any motion to go over the remainder of the bills after this. We intend to deal with that issue in that fashion. We will support those non-preferreds that have not been added to and get them out of this Chamber, but that will only stiffen our resolve to make sure that this additional money comes out. Perhaps they can dump this into the Rainy Day Fund as well, or maybe they will see it in their kind hearts to give this money back to "decent, honest, hard-working Pennsylvanians." But either way, Mr. President, our resolve is firm.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

On the question,
Shall the bill pass finally?

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

Senator BELL. Mr. President, I would like to say a little bit about the so-called giveaway to Penn State. It deals with Penn State's research contributing to a better Pennsylvania and a better world. And this giveaway is, for one thing, examining diseases that ravage African-Americans. That is a real giveaway. Reducing pesticides used on Pennsylvania's farms. That is another giveaway. Developing cheaper egg production so that every family in Pennsylvania can -- yes, eggs, the things you eat for breakfast, or maybe you do not eat.

If you will quit interrupting, Senator Fumo. Go ahead, laugh. These are giveaways in your language. You have very good adjectives.

Developing and researching infant nutrition. Reducing food-borne illnesses. The E.coli Reference Center helps professionals diagnose, treat, and prevent illnesses such as those caused by salmonella. Salmonella is not just restricted to wealthy people or Penn State people, it might even affect some people in South Philadelphia. And of course, researching milk safety. Who drinks milk in Pennsylvania? They drink milk in my district.

Managing soil nutrients. Oh, I could go on and on. I am not going to take up the time like some of our video specialists, these ham actors who come up here and spend all afternoon, but I have 20, 30, 40, 50 research projects, and this is the same type of research that Pitt did with Dr. Salk so that our kids

could grow up healthy. This is what I call research, and, Senator Fumo, you call it giveaways.

The PRESIDENT. And acknowledging the patience of the gentleman from Centre, the Chair recognizes Senator Corman.

Senator CORMAN. Mr. President, there is a song, I guess it goes, "There's a time to hold 'em and a time to fold 'em." Likewise, it seems to me when we are at budget time and we are trying to assign the amounts of State dollars that will go to various institutions, the government itself and the various institutions that we support, I think the time has come when we must move forward and pass the nonpreferreds, even though everyone in the body may not agree 100 percent with the amount that each of the various institutions is going to receive.

If we do not pass it today, I would like to share with my colleagues the responsibility that they are causing the various institutions to lose. Penn State has indicated that during the next 3 months, because if it gets voted down today their appropriation probably will not be considered again until September, so if they lose 3 months of the funding, that means they will lose \$1 million. Temple and Pitt indicated it will cost them \$500,000. I was not able to get the information from Lincoln as to what it will cost them. Now, some may say, well, they will get the money later. It is not going to cost them money. Well, it will cost them money. It will cost them money either in interest that they will pay on the borrowed money to continue the programs that they hope to be able to continue without the State's support, or it will cost them money in the loss of the investment interest they will not receive because of money they will have to take out of something else and put into these programs that will not be funded if we do not pass this budget today.

What are we talking about with this budget today? Well, we are talking more than just the education in general that should be funding all of our State-related institutions, the money that helps them hold down tuition costs. And your constituents as well as mine attend Penn State, Pitt, Temple, and Lincoln, and when they do not get their money and they have to borrow money, it certainly helps to drive up the costs of tuition, and I am sure that you do not want to do that.

Your constituents and my constituents benefit from the ag research and the ag extension programs that are to be provided by Penn State, and if we look across the State, we will find moneys that will not be available for support of ag programs in the various counties. In Allegheny County, for example, the State support for Allegheny County through ag extension is \$551,000-plus; in Beaver County, \$175,000; in Cambria County, almost \$219,000; in Centre County, where I live, \$154,000; in Clearfield County, about \$114,000; in Erie County, approximately \$347,000; in Fayette County, \$159,000; in Indiana County, \$180,000; in Jefferson County, \$210,000; in Lackawanna County, \$125,000; in Lehigh County, \$236,000; in Philadelphia, \$1,103,000; in Somerset, \$145,000; in Washington, \$220,000; in Westmoreland County, \$435,000. These are moneys that would be coming into the various counties in support of ag extension programs from this budget that you are voting "no" on today, many of you on the other side of the aisle. I am saying these are dollars that are going to be hurting

your constituents as well as mine if we cannot decide that now is the time to fold this position and move ahead with a budget and pass it.

What kind of programs are we talking about? Well, we are talking about 4-H programs, young people who need to connect with their communities by taking part in enjoyable, healthy, and educational group activities like those offered by the 4-H. And when we are talking about 4-H, we are talking about approximately 120,000 young Pennsylvanians who are members and more than 12,000 parents and grandparents and concerned adults who donate their time to be active in these programs. And 4-H is not just in rural Pennsylvania, as many people think it is, but think about it, Mr. President, in Philadelphia County, there are more than 12,000 members of 4-H, and in Allegheny County, there are 6,000 members.

If we consider child care, because Penn State's research identified specific needs, more than 18,000 child care providers in Pennsylvania have received important information in workshops, all-day seminars, or courses taught by cooperative extension educators to help them run better businesses and provide better service. Cooperative extension professionals are working with the State Department of Public Welfare to identify and educate people who care for children in their homes.

If we look at youth at risk, a recent report to the U.S. House of Representatives Select Committee on Children, Youth and Families shows the return of \$6 to \$8 for every dollar spent on prevention programs that keep youth on track, and yes, Penn State Ag Extension has a program that works for them. Six-hundred and forty-seven grade-schoolers in the Wilkes-Barre community have participated in comprehensive after-school and summer programs on self-help skills. One-hundred and seventy-four parents in Wilkes-Barre have received education in effective, nonviolent disciplining techniques. Nearly two-thirds said that because of this course, they better understand discipline and are able to make better decisions for their children.

If we look at other programs, My New Weigh of Life, more than 1,000 people have completed this program. The program is offered at 80 different sites in 30 counties across the Commonwealth to help people lose weight and lose weight appropriately.

There is a safe food program that the gentleman from Delaware, Senator Bell, mentioned. Not only has it worked across the Commonwealth, but in Philadelphia, in fact, it helped 200 street vendors continue to provide street vending service to the people of Philadelphia because they worked in this program with Penn State to provide safer food for the people who are going to be recipients of it.

Mr. President, I could go on for a very long period of time explaining all the various programs. I am sure you understand how important this is. And I would ask my Democratic colleagues across the aisle who have been voting "no" on Penn State's appropriation to consider the many people in their districts who send their young people to Penn State, Pitt, Temple, and Lincoln who need this support to help keep the tuition down, and the people who depend on Penn State's ag programs

for the better quality of life in Pennsylvania. Is it worth closing down the extension offices that virtually every county in the State is using? Is it worth cutting down the research that goes on at Penn State to solve the problems that we have here in Pennsylvania? You are not just hurting Penn State with this vote but you are hurting all the people in Pennsylvania when you are hurting the number one industry, agriculture, and the research and the ag extension that goes on from it.

Just remember, we are not just talking education and training, we are talking child care for needy children, programs for youth at risk, 4-H, infant nutrition, safe food and clean drinking water programs, milk safety, pesticide education, child abuse prevention, and many other programs. I think it is time to say we put up a good battle, we tried to have the dollar spent in the budget more appropriately for the areas that you think should be more appropriate, but now is the time to vote the budget, not cost the people of Pennsylvania money. Pass it tonight. I urge you all to give an affirmative vote to Penn State's appropriation.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, you know, the nonpreferred appropriation bills that we are dealing with right now, we are looking at education and the benefit of education for all the folks in Pennsylvania who attend the various universities. And there is no one on this side of the aisle or that particular side of the aisle, I believe, who would have any thought that Penn State does not put forth a terrific curriculum and has a tremendous benefit for all the citizens of Pennsylvania.

But I would also have to say, Mr. President, that the other universities contribute significantly to the welfare of the citizens of Pennsylvania, and that is the position that I have been taking, to have those particular universities treated fairly and equally as far as the distribution and appropriation of funds. And I heard recently that we are putting away \$107 million in a Rainy Day Fund for who knows what. If the education of our students and the universities, the future of Pennsylvania and beyond, our entire country, the education that they receive at these universities, if the education is not primary and the increases that we are talking about to these other three universities is a mere \$6 million total increase, where are we? Where are our priorities?

It is great to have money put aside for problem areas that may arise, but our problem today is educating our youth for a better tomorrow for each and every one of us and our children and our children's children. I would highly recommend that all those who have put money into Penn State would do the same for the other universities, Mr. President.

Thank you.

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

Senator MELLOW. Mr. President, I think that the gentleman from Westmoreland, Senator Porterfield, very capably and very ably expressed what our concerns are. I support the gentleman from Centre, Senator Corman, 100 percent. I find everything that he said to be accurate. I would like to be in a

position today of supporting Penn State University and every particular thing that Penn State--

May we be at ease, Mr. President?

The PRESIDENT. At the request of Senator Mellow, the Senate will be at ease.

(The Senate was at ease.)

Senator MELLOW. Mr. President, we are getting some feedback in the mike, Is it possibly turned up too loud?

The PRESIDENT. No.

Senator MELLOW. Perhaps it is just the emotion of the issue.

Mr. President, I agree completely with the gentleman from Centre, Senator Corman. I think the points that he made are right on target, and I do not think he will find one Member on this side of the aisle disagreeing with him, disagreeing with how important the agriculture research is at Penn State University or disagreeing with him about how important it is to make sure the regional agriculture programs are in place and that no one is impacted upon because of what is taking place here on the floor today.

Mr. President, we also have to talk about parity, and we have said over and over on this side of the aisle that we are not opposed to Penn State, and we have said over and over that we are not opposed to any of these nonpreferred appropriations. We would like to do one of two things: We would either like to go back to what Governor Ridge said we should have in nonpreferred appropriations, or we would like to increase all the appropriations by the same percentage that Penn State University received as its increase. The question here, Mr. President, is not to be hostile. The question here is not to hold any university as a hostage. The question here is fairness. The paramount issue that we can deal with in this particular issue dealing with our nonpreferreds is that each and every university should be treated with the same degree of fairness, that one university should not be singled out over the others.

I find it, Mr. President, kind of interesting, if you will, that the Republican representatives coming out of Allegheny County are not stepping forward to the microphone to speak on behalf of the University of Pittsburgh. The University of Pittsburgh has done a tremendous job. They have done a great job through their research. They have done a great job with surgery that has not been able to be performed in more than a few other hospitals in the world, let alone in the country.

Mr. President, and it is kind of surprising to me that the Members of the Republican Caucus from southeastern Pennsylvania are not coming to the plate to bat for Temple University and say, we agree with Senator Corman--and I congratulate him because it is obvious that he has a tremendous amount of influence in the Caucus to get more money for Penn State and not get the additional money for Pitt, for Temple, or for Lincoln.

All we are about, Mr. President, is parity. All we are about is saying, if it is good for Penn State, it is good for the other schools. We either want to do the same thing for everybody or let us go back to what Governor Ridge said we should have in our nonpreferred appropriations. We are not against Penn State,

but we are in favor of the same appropriation percentage increase for all the other institutions that are in question.

And it is only for that reason, Mr. President, that we will not today support Penn State University's appropriation. However, I assure the Majority Leader that if he brings up the vast majority of other nonpreferred appropriations that they will be passed today. Do not hold the appropriations of some of these other places hostage. Lancaster Cleft Palate, Pittsburgh Cleft Palate, and the other institutions, the Franklin Institute, the Academy of Natural Science, let us not hold those institutions hostage because we do not have parity between Penn State, Pitt, Lincoln, and Temple.

That is all we are asking for, not one other thing, except to treat everyone the same. Let us have the same playing field, and let us have the Members from those areas get up, stand up to bat, come up to the microphone and ask for the same increase for those institutions that are so vitally necessary along with the increase for Penn State, and we could resolve this issue right here this evening. This is not something that is so insurmountable. It amounts to a total of either \$6 million in additional money or going back and taking the money away from Penn State University so that everyone is being treated fairly. It is about what is fair, Mr. President. It is not about giving preferential treatment to one institution at the expense of others.

Thank you.

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

Senator LOEPER. Mr. President, just very briefly, I would once again remind the previous speaker, the gentleman from Lackawanna, Senator Mellow, that his argument sometimes rings hollow, that while he is talking about the State-related institutions of the University of Pittsburgh, Temple University, and Lincoln University, once again I would remind the gentleman that every Member of his Caucus voted against those nonpreferred appropriations for those institutions last Monday on this floor. And, Mr. President, we can hear all the arguments why they are going to do this today or why they are going to do that. The fact is the record will demonstrate that they voted against those appropriations last week.

As I stated earlier, we have before us the nonpreferred appropriation bills overwhelmingly passed by a bipartisan two-thirds vote in the House of Representatives. It is my wish and my hope that this body can act responsibly, as the House of Representatives did, and pass these nonpreferred appropriations in order that these most vital institutions can receive their funding.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, just in brief rebuttal, either the gentleman from Delaware, Senator Loeper, does not get it, or for some reason he does not want to listen to our part of the debate. What happened last Monday, Mr. President, is last Monday. What happened yesterday is yesterday. And what happened just a few moments ago on a bill that we debated for

better than 1 hour we cannot do anything about. We can only deal with what happens in the future.

And one of the reasons why we are having such a problem getting legislation passed in this body is because we are not dealing prospectively, Mr. President, with what must take place. I could, in the same way Senator Loeper said that every Democratic Member voted against the nonpreferred appropriations last Monday, I could remind him that every Republican Member voted against reducing taxes to the individual taxpayer on a number of occasions, including just a few moments ago by voting to not give us the opportunity to offer an amendment. But that is not going to accomplish anything, Mr. President. We can only accomplish things and move forward if we start taking into consideration what the needs are, what the concerns are.

Our Members represent, the same as yours do, up to a quarter of a million people. They have concerns. We have concerns about Pitt, we have concerns about Temple, and we have concerns about Lincoln, and we want to support Penn State. I do not know what makes that so difficult. I do not know why it is so hard to penetrate that all we are asking for is parity. Either go back to what the Governor requested or let us go up to what was put into the budget for Penn State for the other schools. That is all we are asking for. We are not looking to hold anything as a hostage, Mr. President. We are only asking that everyone be treated fairly, and if there is something wrong with that, then I simply do not understand what the definition of fairness is all about. Fairness and parity are paramount with regard to this issue.

We are going to continue to discuss it and we are going to continue to debate it, and we only have 21 Members. We cannot impact on anything, except to try to make our point to talk about the fact that there are other institutions out there besides Penn State University that must be considered in dealing with this nonpreferred appropriation. This could be resolved very easily. The problem is it does not serve in the best interest of the Majority to do that. It serves in the best interest of the Majority to continue to trot out Penn State, to continue to say that the Democrats are holding this as a hostage and not to recognize the fact that they are not treating the other universities fairly.

And there are graduates in this body, Mr. President, from those other universities. There are representatives in this body who sit on the boards of trustees at those universities. There are people who sit in this Chamber who directly represent those universities, and they should be representing their interests right here on the floor of this Senate. There is nothing wrong with increasing the appropriation to those schools by the same percentage that Penn State University has been given as an increase, or, Mr. President, going back to what Governor Ridge has requested in the past. This issue is about fairness, and there is nothing that we can do about what took place last Monday.

Once again, Mr. President, I ask for a negative vote, but I also ask for an understanding on the part of the Majority to come across and meet us not halfway, but just to come across and give us an expression that we are prepared to deal with the

problems with Pitt, Temple, and Lincoln and to say, yes, we are either going to go back to the original appropriation or we are going to increase their appropriations by the same percentage of money.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Williams. Without objection, that leave is granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Shaffer, who has been called from the floor.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Shaffer. Without objection, that leave is 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—29

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

NAYS—21

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

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

RECONSIDERATION OF HB 1817

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

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

Senator LOEPER. Mr. President, I move that we reconsider the vote by which House Bill No. 1817 was defeated and that it go over in its order.

The motion was agreed to.

The PRESIDENT. Without objection, House Bill No. 1817 will go over in its order and will appear on the Final Passage Calendar.

NONPREFERRED APPROPRIATION BILLS
OVER IN ORDER

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

Senator LOEPER. Mr. President, I move that the following bills go over in their order: **SB 190, HB 1783, HB 1784, HB 1785, HB 1786, HB 1787, HB 1788, HB 1789, HB 1790, HB 1791, HB 1792, HB 1793, HB 1794, HB 1795, HB 1796, HB 1797, HB 1798, HB 1799, HB 1800, HB 1801, HB 1802, HB 1803, HB 1804, HB 1805, HB 1806, HB 1807, HB 1808, HB 1809, HB 1810, HB 1811, HB 1812, HB 1813, HB 1814, HB 1815, HB 1816, HB 1818 and HB 1819.**

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

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

Senator FUMO. Mr. President, I urge the Majority to put their money where their mouth is, and we would oppose that motion. Let us vote the nonpreferreds that they say we do not want to vote on.

Mr. President, we oppose the motion. We are prepared to deal with the nonpreferreds today, and we would hope that the Majority would not run for cover and let us deal with them.

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—29

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

NAYS—21

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

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

The PRESIDENT. The bills will go over in their order.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Dawida. Without objection, that leave will be granted.

LEGISLATIVE LEAVES CANCELLED

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

Senator FUMO. Mr. President, I request that the temporary Capitol leaves of Senator Schwartz and Senator Bodack be cancelled.

The PRESIDENT. The temporary Capitol leaves for Senator Schwartz and Senator Bodack will be cancelled.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Salvatore, and that leave is the granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

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

The PRESIDENT. Senator Bodack requests a temporary Capitol leave for Senator Fumo. Without objection, that leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 31 and SB 140 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 316 (Pr. No. 1150) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, empowering the Governor to authorize the transfer of certain convicted offenders pursuant to outstanding treaties.

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

On the question,
Shall the bill pass finally?

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

YEAS—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 present said bill to the House of Representatives for concurrence.

SB 537 (Pr. No. 1314) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for State correctional institutions.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator KASUNIC. Mr. President, Senate Bill No. 537 was drafted for one very specific reason, and that was to prevent crime in our prisons. It was a very simple reason, we wanted to help prevent convicted criminals who are behind bars from continuing to prey on innocent victims. It would protect businesses from fraud and citizens from theft. Under this legislation, telecommunication companies which provide services to correctional institutions must place an identifying message that clearly states that the telephone call being made is coming from a Pennsylvania prison.

The impetus behind this bill was my discovery that convicted criminals were operating credit card scams from within the very walls of the prisons that we sentenced them to for committing crimes. One case in particular was a prisoner who was contacting businesses and purchasing millions of dollars' worth of merchandise - gold, silver, and appliances. He was doing this with stolen credit card numbers, and what was happening was that this merchandise was being delivered to acquaintances' homes and then being sold on the street for less than half the value.

If you believe, as I do, that convicts, prisoners in our institutions, should not be able to steal from prison, we need to make it impossible for them to steal and commit fraud while

they are already serving a sentence. The message would protect unsuspecting businesses and citizens from these prison-based scams and let anyone who could be a potential victim of convicts know exactly to whom they are talking when they receive a phone call. Also, the message being delivered would inform all parties that the phone conversation that may take place could also be recorded or be monitored.

In addition, as the bill stands today, inmates of State correctional institutions wishing to make personal calls could only place collect calls. I believe that those who receive unsolicited telephone calls from a correctional institution should be made plainly aware of the caller's location.

In short, Mr. President, Senate Bill No. 537 is designed to prevent telephone scams from being operated out of our State prisons. It will help stop criminals from preying on the trust and goodwill of Pennsylvania citizens and others who are all too often the victims of telephone scam artists. Inmates who break the law while serving a prison sentence make a mockery out of the system. They make a mockery out of our prison system and our entire judicial system.

Through passage of this legislation today, we will not only prevent this crime from occurring in the future, but we will also send a very clear message that criminal activity from behind bars will not be tolerated. Mr. President, I urge a "yes" vote on this bill.

Thank you very much.

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

Senator FISHER. Mr. President, I join with the gentleman from Fayette, Senator Kasunic, and want to commend him for sponsoring this legislation. I had the opportunity about 3 years ago to work with the police in the city of Pittsburgh and the Secret Service, who at that time were investigating a rather widespread telephone fraud that had begun at the State Correctional Institution at Pittsburgh. The Department of Corrections, at that time under the leadership of Commissioner Lehman, was very hesitant to permit and have installed a phone system that would have put this voice overlay on any phone call that was made out of the institution. After a number of meetings with the Department of Corrections, we were finally able to get the department to agree to try this kind of system at the State Correctional Institution at Pittsburgh. It has worked there. It has helped to cut down on the number of fraudulent purchases that have come out of that institution.

I think it is time that we make sure that this new system is turned statewide, and, in fact, that is what Senate Bill No. 537 will do. It will make sure that every single phone call, which, Mr. President, I do not believe is a right but rather is a privilege for anyone who is serving a sentence in one of our State correctional institutions, that every single phone call is identified, so that the victims, the unwitting victims, whether they be merchants in Pennsylvania, and many of them have been, or whether they be merchants in some other State, are alerted to the fact that that phone call is being made from a State correctional institution.

So this bill, Senate Bill No. 537, is a major step in the right direction. It will put this process into law across the State in all the institutions, and I urge strong bipartisan support for Senate Bill No. 537.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—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 present said bill to the House of Representatives for concurrence.

HB 575 (Pr. No. 2297) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for powers and duties of the State Treasurer and for a special fund; providing for increased penalties for multiple convictions for driving under influence of alcohol or controlled substance; and further providing for accidents involving damage to an attended and an unattended vehicle or property.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—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 with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

SB 633 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 703 (Pr. No. 775) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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.

SB 771 (Pr. No. 1318) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring the Department of Environmental Resources to make annual in lieu of tax payments to certain school districts; and further providing for the powers and duties of the Department of Health in relation to methadone maintenance facilities.

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

On the question,
Shall the bill pass finally?

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

YEAS—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 present said bill to the House of Representatives for concurrence.

SB 946 (Pr. No. 1021) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certificate and medallion required.

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 present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

HB 961 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1009 (Pr. No. 1198) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P. L. 799, No. 193), entitled "County Intermediate Punishment Act," changing definitions; further providing for county intermediate punishment programs; providing for advice to county prison boards; further providing for county intermediate punishment plans and for regulations of the Pennsylvania Commission on Crime and Delinquency; and further providing for use of funds, for application of the act to certain grants and for construction of the act.

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

On the question,
Shall the bill pass finally?

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

YEAS—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 present said bill to the House of Representatives for concurrence.

SB 1028 (Pr. No. 1127) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1972 (P. L. 286, No. 70), entitled "Industrialized Housing Act," adding certain definitions; providing for the adoption of certain standards and for building code amendments; further providing for the Industrialized Housing Advisory Commission; and making editorial changes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—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 present said bill to the House of Representatives for concurrence.

HB 1297 (Pr. No. 1979) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing a video programming municipal tax.

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

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

Senator BELL. Mr. President, I am going to vote "no" on this bill because I have in my hands a publication of a trade journal dated June 26, 1995. It states, "In a major policy shift, the Federal Communications Commission is planning to change its video dialtone rules so that a phone company offering video will be required to obtain a cable franchise, according to cable and telco sources." And I think it is premature to pass this bill tonight.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—47

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Stapleton
Armstrong	Hart	Mowery	Stewart
Baker	Heckler	Musto	Stout

Belan	Helfrick	O'Pake	Tartaglione
Bodack	Holl	Peterson	Tilghman
Brightbill	Jones	Porterfield	Tomlinson
Corman	Jubelirer	Punt	Uliana
Dawida	Kasunic	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Fisher	Lemmond	Salvatore	Williams
Fumo	Loeper	Schwartz	

NAYS—3

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

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

BILL ON THIRD CONSIDERATION AMENDED

HB 1488 (Pr. No. 1737) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 17, 1913 (P.L.507, No.335), referred to as the Intangible Personal Property Tax Law, further providing for a variable rate of taxation on the value of personal property.

On the question,
Will the Senate agree to the bill on third consideration?
Senator LOEPER offered the following amendment No. A4020:

Amend Sec. 1 (Sec. 1), page 5, line 11, by inserting after "provisions": , nor to any personal property that is held by an employe for retirement purposes under the provisions of a stock purchase plan established by the employer for the exclusive benefit of his or her employes

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1616 (Pr. No. 1917) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Military Affairs and the Department of General Services, with the approval of the Governor, to sell and convey to the Philadelphia Authority for Industrial Development certain land situate in the City of Philadelphia, Pennsylvania.

Considered the third time and agreed to,
On the question,
Shall the bill pass finally?

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

YEAS—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.

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

BILL ON SECOND CONSIDERATION

HB 1335 (Pr. No. 2294) — The Senate proceeded to consideration of the bill, entitled:

An Act regulating lead-based paint activities.

Considered the second time and agreed to,

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

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a brief recess of the Senate, first for a meeting of the Committee on Environmental Resources and Energy, to be followed by a meeting of the Committee on Rules and Executive Nominations in the Rules room at the rear of the Senate Chamber. I expect both meetings to be relatively brief and to be back on the floor in a short period of time.

The PRESIDENT. For that purpose, the Senate stands in brief recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION

HB 580 (Pr. No. 2295) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions to governmental immunity.

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

SB 831 (Pr. No. 881) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," providing protection for dog purchaser, imposing duties on the Department of Agriculture and the Attorney General; and providing for records and for penalties.

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

SB 844 (Pr. No. 994) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the Pennsylvania Game Commission.

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

BILL OVER IN ORDER

HB 1076 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**UNFINISHED BUSINESS
REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

May 19, 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, Timothy P. McNulty (Alternate Member), 1241 Onondago Street, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Michael J. Montgomery, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 15, 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, Edward M. Paluso, 401 Sixth Street, Charleroi 15022, Washington County, Thirty-second Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Gwendolyn G. Simons, Monongahela, whose term expired.

THOMAS J. RIDGE Governor

MEMBER OF THE STATE BOARD OF EDUCATION

April 20, 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, Francis J. Michelini, 533 Appalachian Avenue, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2000 or until his successor is appointed and qualified, vice Dr. S. Keith Spalding, Hopeland, whose term expired.

THOMAS J. RIDGE Governor

MEMBER OF THE STATE BOARD OF EDUCATION

April 13, 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 E. Strickland, Jr., 3021 Mt. Alister Street, Pittsburgh 15214, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2000 or until his successor is appointed and qualified, vice Beatrice S. Moore, Ed.D., Philadelphia, whose term expired.

THOMAS J. RIDGE Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF MILLERSVILLE UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

June 1, 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, Charles W. Hash, Sr., 1915 Stonegate Road, York 17404, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE Governor

MEMBER OF THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

April 17, 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, Richard D. Hupper, 49 Reynolds Mill Road, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1996 and until his successor is appointed and qualified, vice Howard R. Selekmán, Pittsburgh, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE BOARD OF TRUSTEES OF SOUTH MOUNTAIN RESTORATION CENTER

April 13, 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 Shank, 357 Glen Street, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Rose G. Good, Waynesboro, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE WASHINGTON CROSSING PARK COMMISSION

April 17, 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, Anne Hawkes Hutton, 6934 North Radcliffe Street, Bristol 19007, Bucks County, Sixth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified, vice Beverly W. Magill, New Hope, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE

April 17, 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, Joe Macurak (Republican), R. D. #3, Chicora 16025, Butler County, Twenty-first Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE

April 17, 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, Jacqueline A. Wise (Republican), 364 Deer Creek Road, Saxonburg 16056, Butler County, Twenty-first Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

April 13, 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 Lambert, Sr. (Republican), 913 High Street, Coatesville 19320, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

April 13, 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, Gabriel Milanese, Jr. (Republican), 34 Overhill Road, Coatesville 19320, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 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, Marge Hinderliter (Republican), R. D. #2, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 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, Gerald Shingledecker (Republican), Greenville Avenue, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 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 Showers (Republican), R. D. #2, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 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, Ann Smathers (Republican), 342 Liberty Street, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

April 13, 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, Joseph Dorazio (Republican), 100 Wiggins Lane, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

April 28, 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, Esther E. Rhine (Republican), 626 North Street, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE

April 13, 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, Isabelle R. Rudisill (Republican), R. R. #1, Box 493, Washington Boro 17582, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE

April 13, 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, Peter True (Republican), 2962 Kings Lane, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Lancaster County

Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LEHIGH COUNTY
BOARD OF ASSISTANCE

April 13, 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, Philip Newman (Republican), 2772 Springhaven Place, Macungie 18062, Lehigh County, Forty-fourth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LEHIGH COUNTY
BOARD OF ASSISTANCE

April 13, 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, Wallace C. Worth, Esquire (Republican), 6620 Woodlawn Drive, Zionsville 18092, Lehigh County, Forty-fourth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

April 13, 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, Earl C. Ross (Republican), 342 East Phillelana Street, Philadelphia 19138, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

April 17, 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, George Van Horn (Republican), 1533 Pine Street, Philadelphia 19102, Philadelphia County, First Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

April 13, 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, Gerald Coates (Not Registered), R. D. #3, Box 89C, Sugar Grove 16350, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

April 17, 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, Karen Marie Carter (Democrat), 30 East Cottage Place, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

April 17, 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, Gloria A. Sheaffer (Republican), 508 Hartman Avenue, Hanover 17331, York County, Twenty-eighth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

REPORT FROM COMMITTEE

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

SB 860 (Pr. No. 1223) (Rereported) (Concurrence)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

RESOLUTION REPORTED FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following resolution:

HR 172 (Pr. No. 2099)

A Concurrent Resolution requesting the United States Secretary of the Interior to delete the Commonwealth of Pennsylvania from the list of "Affected States" as designated by the Secretary of the Interior pursuant to section 1339 of the Energy Policy Act of 1992.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Andrew B. Thress and to Bruce L. Castor, Jr., by Senator Holl.

Congratulations of the Senate were extended to Patrick A. Fanelli by Senator Loeper.

Congratulations of the Senate were extended to Frank D. Adolini, Paul N. Crider, Vinson Hatcher, Roland L. Guerin, Charles L. Smith, John C. Grove, Garnet Friese, Ray D. Sutton, Andrew A. White, Paul S. Seacrest and to Erik Scott by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Daniel White and to Mr. and Mrs. Frank Pitonyak by Senator Stapleton.

Congratulations of the Senate were extended to Francis Collins and to the Church of the Redeemer of Andalusia by Senator Tomlinson.

PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Mr. President, I rise to commend Governor Ridge and to call the attention of my colleagues to several things that happened today which indicate that bipartisanship and listening to the Democrats does pay off once in a while.

First of all, if published reports are correct, the Governor has agreed with Senate Democratic contentions that the Corbett nomination was premature and he has decided that he will

resubmit the nomination now that a vacancy has occurred in the Office of Attorney General. The process is called advise and consent, and perhaps if the Governor had sought advice earlier on this matter, we would not be in the predicament that we have been in until this date.

So, I think that the decision of the Governor, if it is accurate as reported in the Associated Press, that we will not be running the Corbett nomination until he resubmits it now that a vacancy has occurred, that is good news. I think that decision also, Mr. President, heads off any possible cloud over the office which could have arisen had the Governor and the Senate Republicans persisted in their plans to try to confirm a nominee to an office to which there was not yet a vacancy.

The second good thing that I think was done today, Mr. President, is the release of the Governor's report on the investigation by the Office of Inspector General into the Board of Probation and Parole. This, of course, was necessitated by the infamous "Mudman" Simon case, which has monopolized the news for the past few months. I would like to commend to all my colleagues the careful reading of the report. It is an executive summary of the Inspector General's report, and particularly to call attention on page 2 to the very first recommendation or finding under the "System-wide Assessment." The Governor's Inspector General says, and I quote, "The Board of Probation and Parole's mission is not clearly defined, and management has emphasized 'client' interest over community protection." Mr. President, if there is one lesson that we have learned as a result of the hearings of the Committee on Judiciary, it is that public safety and the concern for public safety took a back seat in the board's deliberation, or rather a hearing examiner and one member's deliberation, over the Simon request for parole.

But, Mr. President, more than a month ago, back in May, I introduced, on behalf of several Senate Democrats, legislation that would correct the problem which now the Inspector General seems to agree with, and that is that, and this is what the legislation would do, Mr. President, it says that if public safety would be adversely affected, that the parole must be denied. If the decisionmakers in the Simon case had correctly and thoughtfully examined all the material available, they would have had to have concluded that public safety would be severely affected and therefore parole would have been denied and there would be a policeman in New Jersey alive on this date.

In addition, another part of the Senate Democratic package which has been in the Committee on Judiciary since May 22 is a legislative proposal that would require a majority of the Board of Probation and Parole, not just one member, as was done in the Simon case, to agree before a prisoner could be released on parole if that prisoner was a violent criminal.

Two parts of the package, Mr. President, we respectfully submit--Senate Democrats that is--would prevent the Simon case from ever being repeated in Pennsylvania.

Another finding of the Inspector General, page 5, is as follows: "Both the Board of Probation and Parole and the Department of Corrections failed to insure that crime victims received proper notification." Thankfully, today we were fortunate to have the Governor swear into office a new crime victim advocate. Mary Achilles will be a very dedicated, conscientious,

and effective advocate for victims, and I am sure under her leadership the kind of bungling that happened in the Simon case when the victims were never notified when the pendency of a parole application occurred will not happen again.

One other thing which may be of interest, especially to those of us who have sat through many days of hearings on this issue in the Committee on Judiciary, on page 7, on the summary of findings, the Inspector General finds, and I quote, "Although the Board of Probation and Parole file on Simon did not contain all relevant information, the Office of Inspector General confirmed that both Fred T. Angelilli, the parole hearing officer, and Mary Ann Stewart, then the board member, both of whom voted to release Simon, were provided the entire available case file including the letter from Judge John P. Lavelle." By way of explanation, Judge Lavelle was the sentencing judge who wrote one of the strongest letters advising against parole and said that clearly this was a very dangerous person who should never be paroled because of the probability of committing other criminal acts.

Mr. President, the hour is late and I will not go any further, but the point is that Senate Democrats have good ideas, too, and if the other side of the aisle and the Governor's Office would realize that and work with us, I think we could get a lot more accomplished in a true bipartisan fashion on behalf of all the people of Pennsylvania. No political party has a monopoly on good ideas, on legislation, on nominations, and I suggest that in the future we try to work together a little more closely. And when there are Democratic bills that address problems, they should be considered, and that should also be the rule with regard to executive nominations.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I realize we are on the order of business of Petitions and Remonstrances; however, the previous speaker, the gentleman from Berks, Senator O'Pake, in the early part of his remarks referenced, I believe, an AP story relative to the nomination of Thomas Corbett as Attorney General. Mr. President, I just wanted a clarification if the gentleman did indicate on the Senate floor that if this story was correct and the nomination was resubmitted, and I believe the gentleman said that if, in fact, that was the case, that the Governor would recognize the objections of the Democratic Caucus. I would assume then that the nominee would receive full support from the Caucus because these objections have been removed, and I was pleased that the gentleman indicated that on the floor.

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

Senator O'PAKE. Mr. President, perhaps the gentleman was not listening or maybe the noise on the Senate floor created a hearing problem. I said that one of Senate Democratic objections had been resolved. There are others, and we will go into them at the proper time. But at least the Governor has agreed with the Democratic concern that the law must be complied with, and when you are dealing with the Attorney General nomination, you better go by the law. That is what he has

finally agreed to do, and if he had taken us into the process earlier, we could have alleviated that one objection.

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

Senator LOEPER. Mr. President, I appreciate the gentleman's response. However, Mr. President, I think it would be accurate that the record reflect that my understanding is that the Governor, in fact, did not say that. What the Governor did say, in response to a question by a reporter, I believe, at the news conference this afternoon, was to indicate that if it would clear the way for Mr. Corbett to be confirmed in the Senate as the Attorney General in Pennsylvania, he would be willing to resubmit the nomination. I think that is a far different scenario than what the gentleman from Berks portrayed.

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

Senator O'PAKE. Mr. President, the gentleman's quarrel is with the AP reporter and not with me. I am just merely referring to a story which I have seen, and if the AP reporter misstated the Governor's quote or intention, the gentleman will have to take that up with the AP reporter.

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

Senator BODACK. Mr. President, I cannot believe some of what I have heard here today, and especially the part about the debate on House Bill No. 272. We found out today, according to our Republican friends, that it is now prudent to oppose a cut in taxes. We further find out that it is prudent to hold on to the people's money, and in this case a total of some \$107 million or more, not for any useful purpose but in order to hold it in a surplus bank account, a State bank account. The Republicans, of course, always say we Democrats want to spend more, we want to spend more money. That is not so. We may want to make some adjustments in our priorities to the benefit of ordinary, hardworking people, and we do not just like to operate on behalf of the wealthy corporate fat cats who have been taken care of very well lately.

All we have been saying since the end of last year, Mr. President, is that if we have a huge surplus in revenues that is not being appropriated for a useful purpose, then we want to give it back to the people who put it there. Pennsylvania State government should not act as the people's bank. We have a constitutional balanced budget requirement here in Pennsylvania, and in my view that means that State government should not spend more money than it has and it should not keep more money than it absolutely needs. I think that the hardworking Pennsylvanians, Mr. President, know better how to spend their own money than we do here in State government. And I think it is ironic that we heard the Republicans argue today that it is okay to give big business a second-year reduction in taxes, but it is prudent not to give working people a tax break. According to our Republican friends, Mr. President, State government can collect more than it needs, and if you are one of the hardworking people out there who put it there, you will not be getting your money out of the State bank anytime soon.

Thank you.

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

COMMONWEALTH TRUSTEE OF LINCOLN UNIVERSITY - OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

June 27, 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, Leslie Gromis, 1518 North Second Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University - of the Commonwealth System of Higher Education, to serve until August 31, 1996, and until her successor is appointed and qualified, vice Brian Haynesworth, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 20.

BILLS SIGNED

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

HB 20, HB 248, HB 861, HB 1098 and HB 1481.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 28, 1995, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:07 p.m., Eastern Daylight Saving Time.