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SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 72

**SENATE**

WEDNESDAY, December 13, 1995

The Senate met at 11 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend Dr. MICHAEL M. MAZER, of First Baptist Church, Washington, offered the following prayer:

Join me in prayer, if you would.

Almighty God, we come before You now and we pause to be still, that we might know that You are truly God. We come in the spirit of prayer, and we pray that what we have to say will be in keeping with Your Spirit and Your desire to speak as You did where not a word that You said needed correction or apology.

This day we pray for the Members of the Senate, that as they work together, whether it be in Chamber or committee, in their offices or other errands that they may need to do, we pray that You would be with them and that they would know that You are with them. Help them this day to stand up under the strains and the tensions of the problems in decisionmaking which they will face in meetings and conferences and the demands which many have placed upon them. But, Lord, let them know through the course of this day that when You speak You say to them, in a very loving way, come unto me when You have become tired and weary of your labor and I will give you rest. Help them, Lord, to balance between work and reflection on Your presence in their lives, that they might turn to You for guidance and for grace, and, having done so, that they will discover the true meaning of purpose and power of Your presence and of Your abiding peace.

We pray this in the name of our Lord, who gives us all that we have, all that we need. In his name we pray. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Mazer, who is the guest today of Senator Stout.

**JOURNAL APPROVED**

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 12, 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.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HR 31.

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate SB 619, SB 652, SB 725 and SB 1052, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

**REPORTS FROM COMMITTEE**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reports the approval of Final Form Licensure Board Regulations No. 16A-435, 16A-441, 16A-452, 16A-491, 16A-534, 16A-611, 16A-621 and 16A-643 to IRRC without objections.

**DISCHARGE PETITIONS**

The PRESIDING OFFICER laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, December 13, 1995

A PETITION

To place before the Senate the nomination of Richard A. Kipp, as a member of the Probation Advisory Committee.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Richard A. Kipp, as a member of the Probation Advisory Committee, before the entire Senate

body for a vote, the nomination not having been voted upon within 15 legislative days:

- William J. Stewart
- Robert J. Mellow
- Leonard J. Bodack
- Michael A. O'Pake
- Vincent J. Fumo
- Patrick J. Stapleton

In the Senate, December 13, 1995

A PETITION

To place before the Senate the nomination of David Rockwell, as a member of the Probation Advisory Committee.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of David Rockwell, as a member of the Probation Advisory Committee, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- William J. Stewart
- Robert J. Mellow
- Leonard J. Bodack
- Michael A. O'Pake
- Vincent J. Fumo
- Patrick J. Stapleton

In the Senate, December 13, 1995

A PETITION

To place before the Senate the nomination of Rita Halverson, as a member of the State Real Estate Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rita Halverson, as a member of the State Real Estate Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- William J. Stewart
- Robert J. Mellow
- Leonard J. Bodack
- Michael A. O'Pake
- Patrick J. Stapleton

The PRESIDING OFFICER. These communications will be laid on the table.

LEGISLATIVE LEAVES

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

Senator BODACK. Mr. President, at this time I request legislative leaves for Senator Afflerbach and Senator Williams, and a temporary Capitol leave for Senator Schwartz.

The PRESIDING OFFICER. Senator Bodack requests legislative leaves for Senator Afflerbach and Senator Williams, and a temporary Capitol leave for Senator Schwartz. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Holl and Senator Piccola, and legislative leaves for today's Session on behalf of Senator Shaffer and Senator Salvatore.

The PRESIDING OFFICER. Senator Loeper requests temporary Capitol leaves for Senator Holl and Senator Piccola, and legislative leaves for today's Session for Senator Shaffer and Senator Salvatore. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

Senator BODACK asked and obtained leaves of absence for Senator ANDREZESKI, Senator MELLOW, and Senator STOUT, for today's Session, for personal reasons.

CALENDAR

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

HB 640 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2222 (Pr. No. 2851) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

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.

### LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Delp and Senator Robbins.

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

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, Senator Jones will be in her office, she has been called down there, and I request a temporary Capitol leave for her.

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

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 2 (Pr. No. 1636)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing counties to impose sales, use, occupancy, personal income or earned income and net profits taxes; authorizing municipalities to impose personal income, earned income and net profits and municipal service taxes; empowering municipalities to require county sales and use taxes; authorizing school districts to impose taxes on personal income, earned income and net profits; providing for the levying, assessment and collection of such taxes; providing for the powers and duties of the Department of Community Affairs, the Department of Revenue and the State Treasurer, providing an additional exemption from the tax on intangible personal property; providing for limitations on debt of school districts; exempting political subdivisions from compliance with certain laws that require counties, municipalities and school districts to spend funds or that limit the ability of counties, municipalities and school districts to raise revenue; limiting reassessments in counties of the second class; and restricting the taxing authority of certain political subdivisions; and providing for home rule school district tax charters.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in support of Senate Bill No. 2, as the prime sponsor, and I also think it is important to recognize the other Members who have been working on this issue for much longer than I have, especially the gentleman from Blair, Senator Jubelirer.

This issue has been with us before. I am sure many of the Members recall voting on it a while ago, when, unfortunately, we did not get to the point where we were able to enact local tax reform. Fortunately though, Mr. President, we have a bill

this year that takes into consideration a lot of the things that the prior efforts did not, and that is that the public is concerned about local control. Fortunately, this bill includes provisions for people in their own communities to decide for themselves what type of tax effort they want to make. It gives the people in their local communities the opportunity to be involved and to make those decisions. It gives the people in the local community the opportunity to control taxes and increases in the future.

Our current system is out of control and outdated. The cookie-cutter approach to local taxation has fostered some disparity and inequity across the Commonwealth. In Allegheny County, for example, over 140,000 homeowners recently saw their property taxes increase by more than 5 percent in one year. Many of them saw their rates more than double. The bulk of them are senior citizens and middle class families who simply have not been able to keep up with those taxes. Senior citizens, according to many calls, are being forced to give up their homes solely because of high property taxes. Those property taxes have now exceeded the mortgages that these people had at one time paid on their homes. Rather than enjoy their retirements, they sit by their mailboxes and wait to receive the new tax bills to see if they can afford to stay there. Unfortunately, Mr. President, many of them cannot.

Senate Bill No. 2 is an optional bill. I think this is one of the things that we have added to this effort that is one of the most important. Since Pennsylvania is often referred to as six different States, and all of us know the differences from region to region, it is only wise for us to include local control. Under this bill, voters and local governments must first decide if their current property tax plan is appropriate for them, and if they choose to change it, they have the option themselves to approve a plan designed by their local governments in which they have quite a bit of input. Hopefully, this will help the plan better reflect their needs and their resources instead of having the heavy hand of Harrisburg bureaucracy telling them what to do.

This bill contains taxpayer protections to prevent double dipping. Property taxes must be lowered if the people choose to switch to a personal or earned income tax. Additionally, taxpayers are further protected with the voter approval of future tax increases. Local government control is respected, and there is an unfunded mandates provision prohibiting us from passing on ideas without requiring the funds from mandates we passed down to local governments. This is an issue that I am sure we all support.

Pennsylvania has over 2,600 local governments. Each have different qualities, their communities have different assets, their people have different needs. Senate Bill No. 2 respects these differences. It empowers local citizens and local governments to explore alternative structures. If they are content with their present system, they are also permitted under this bill to retain it.

Local tax reform has been a bipartisan effort. It reflects the input of citizens, local governments, senior citizen groups, businesses, parents, and many others who participated in the hearings that the gentleman from Allegheny, Senator Dawida,

and I held throughout the State. As great Pennsylvanian John Dickinson wrote, "It is inseparably essential to the freedom of a people that no taxes be imposed on them but with their own consent." Senate Bill No. 2 protects the important and fundamental right to vote on local tax policies.

School funding and assessment reform are separate issues. They should also be addressed after we approve this tax reform. I believe that this tax reform is our first step toward addressing the problems in our tax system that clearly faces serious problems. Tax fairness and taxpayer protection are needed now. Several diverse and important organizations throughout the Commonwealth must be credited with working together to help make suggestions and add input into this plan. I would like to commend the members of the Pennsylvania Farm Bureau, Citizens Against Higher Taxes, County Commissioners Association, other local government organizations, Pennsylvania Builders, Citizens Against Government Waste, the Pennsylvania Leadership Council, the Pennsylvania Grange, United We Stand America, among many other groups. These groups have helped us to shape this bill, have provided the citizen input, I think, that we need to provide a bill that can be workable for everyone across the Commonwealth.

Again, I would like to thank my colleagues, the gentleman from Blair, Senator Jubelirer, especially, and Senator Dawida, the Minority chairman of the Committee on Finance, for providing their leadership, and both Caucuses for their cooperation and input, and I also commend the Members for a very professional debate yesterday as we went through the issues of what we needed to include or not include in this bill. I encourage all the Members to take into consideration the difficulties that local taxes have presented to their constituents and support Senate Bill No. 2.

Thank you, Mr. President.

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

Senator GERLACH. Mr. President, many of the Members here, as was just stated, have been working on local tax reform for many years. I started on this issue a little over 2 years ago when I chaired the House local tax reform caucus, a bipartisan group of over 70 Republicans and Democrats who wanted to really draw together a consensus on what local tax reform legislation ought to be and try to move that consensus through the legislative process.

The Members of that caucus believed then, and I believe those Members now know, that any meaningful local tax reform in Pennsylvania must contain a number of critical elements. It must allow for reduction and reliance on property tax. It must allow for greater flexibility between taxpayers and their local officials to decide the fairest mix of taxes for themselves. It must effectively deal with the issue of business windfall. It must allow for reduction in the so-called nuisance taxes. And it must, it must, require and provide for greater taxpayer participation and control over local taxation matters, primarily through mandatory dollar-for-dollar offsets for new revenues raised to offset lowering of property tax revenues, and for voter participation through the referendum process. All of these elements are contained in the predecessor of Senate Bill No. 2,

House Bill No. 2202, which passed the House overwhelmingly last Session with 177 votes, and they are contained in this legislation, Senate Bill No. 2.

That we have the need for local tax reform now cannot be questioned. We have seen a 113-percent increase in school property taxes between 1983 and 1993, while wages only went up 53 percent and inflation by only 42 percent. Undeniably, school property taxes have far outpaced our constituents' ability to pay and have far outpaced them by more than two-fold. But rather than simply devising the Harrisburg solution for all of our 2,500 local school districts, municipalities, and counties, this bill gives our local taxpayers and their officials the tools that decide the fairest and most equitable mix of taxes for themselves. It may be that they wish to stay with their current tax structure, or it may be something different, but it will be their solution, not Harrisburg's.

Is this proposal perfect? No. With over 2,500 local municipalities, I doubt we would ever be able to come up with a perfect solution for all of them. But what Senate Bill No. 2 does is it provides the opportunity to make local taxation fairer and more equitable for those districts and municipalities that are too heavily reliant on property tax, the opportunity to make the system better than what it is today. That is all we can expect from any tax reform proposal and that is all our constituents do and should expect of us, greater control and flexibility over local taxation to better meet their needs.

The House took a significant step forward last year with the passage of House Bill No. 2202. Now we must continue that progress with the passage of Senate Bill No. 2. I encourage your "yes" vote on this bill.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, I, too, rise in support of this legislation. Local tax reform has been on the back burner for far too long in the legislature of Pennsylvania, as a matter of fact, since 1989. So I think it is altogether proper and fitting for us to bite the bullet and address this issue, and I am glad we had the opportunity to do it here in 1995.

Property taxes are no longer a true and accurate reflection of a family's wealth. Senior citizens living on fixed incomes, new families trying to buy their first home, dislocated workers trying to save their homes, they are literally weary and drained fiscally and financially from paying their skyrocketing property tax bills, especially for schools. There may have been a time when there was some relationship between the value of your residence and your real estate and the school needs of a community. That is no longer true. There is absolutely no connection between the value of a home and the educational needs of your community. Nor is property tax ownership a true and fair reflection of a family's wealth.

Therefore, we should feel a moral as well as an economic obligation to shift from property taxes to a tax structure which is better reflecting the ability to pay and which gives local citizens a voice and a chance to shape that local tax structure, and that is what this bill does. We are talking about filling a very big hole. If the total property tax yield in this State is

replaced, we are talking about coming up with another \$7.5 billion, most of that for schools, \$4.9 billion of school revenue is raised from the real estate tax now in this State, \$2.5 billion is raised for local governments out of the property tax. So somehow, that money is going to have to be found.

In my county, Berks County, \$300 million is raised for schools and local governments from the property tax. So the question is, what is going to replace that? The answer, of course, is that that is going to be up to the local taxpayer. But until our Constitution is amended to permit homes and residences to be taxed at a lower rate than income-producing properties, we will not have the best possible tax break for homeowners. So this, although important, needs another piece before we can completely and fairly solve the painful puzzle of local taxes in this State.

I like the local option. I think that is the redeeming and key part of this proposal, but I hope the House will do some tinkering that needs to be done. I do hope that we can get a constitutional amendment approved early in 1997, and perhaps given the history of tax reform in this State, maybe it will take until the end of 1996 until this can clear the House and get to the Governor's desk, because, and I have to emphasize this, if you are going to give businesses a tax break, and we are agreeing that that is important, let us not shift that tax burden onto the wage earner, because then he is paying not only for his residential real estate tax relief, but he is paying for the tax relief that local citizens may want to give to income-producing property, and to fairly address that we do need that constitutional change because we cannot, under our uniformity clause, deal with that problem in a statute.

So the bill is obviously the result of a lot of hard work for which I commend a lot of people on both sides of the aisle. It had to be done. I am glad we were able to do it, and I just caution that it is certainly not the last word on local tax reform and it is not even a total resolution, but it is the best we can do, and it is certainly a giant step forward.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, when we talk to constituents about tax reform, they seem to think that tax reform is when their taxes go down and their neighbor's taxes go up, and they all seem to be in favor of it, and perhaps that is not the way this is going to work out.

What is pushing tax reform? Is it our county taxes? No, not really. They are relatively minor. Is it our municipal taxes? In most cases they are not the taxes pushing it. In almost all cases it is our school taxes that are pushing the property taxes higher and higher. In Lancaster County alone, 78 percent of our property tax is comprised of our school taxes. That is what is pushing tax reform. Now, we can pass all the tax reform legislation we want. Nothing is going to change until we get a handle on expenses. This bill is a start. It does have some controls in there which, hopefully, will control the expenses of our school districts.

However, much of the problem with our school taxes is our fault right here in the legislature. We place all kinds of burdens, restrictions, regulations on the school districts, and we

wonder why they cannot compete with the private sector. We mandate prevailing wages, which pushes our costs up even higher for their buildings. We say take sabbatical leaves and the school district will pay for it. We put all these mandates on and wonder why their costs keep going higher. We must allow our school districts, we must give them the freedom to compete and get rid of these regulations. Senate Bill No. 2 is a start, but it is not a cure.

Thank you, Mr. President.

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

Senator THOMPSON. Mr. President, I rise in strong support of this bill. To me, it is another significant step on a 25-year trek I started as a township supervisor back in 1970 when we tried to come up with a way of eliminating reliance, or at least mitigating reliance, on the property tax. I also, as a county commissioner, chaired a statewide task force on tax reform, and I remember coming up here and talking at that time to the gentleman from Centre, Senator Corman, a veteran who had been involved in it for some time. So it is a pleasure to be here and to be able to vote on this next step.

I think it is important that we look at this bill for two reasons. One, it puts decisionmaking where it should be, at the local level. And number two, it provides flexibility at the local level, and it not only provides flexibility and decisionmaking at the local level for local elected officials, it brings the tax-paying public into the process. And I think that is a key thing particularly in today's economy and today's environment. So it is a pleasure to be here to take this step. My only concern is that it is a couple of steps forward and that we do not have a couple of steps backward before we finally get the bill enacted into law, so it is a pleasure to support it.

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

Senator DAWIDA. Mr. President, tax reform is very easy to demagogue, and that has prevented us in the past from successfully negotiating this difficult path. Hatred of taxation is universal. It is, in fact, the staple of modern politics. So anytime you do anything with taxes somebody will be able to say something bad about you. There will be winners and losers.

We have to stand tall and do the right thing and give more flexibility and get rid of our reliance on property taxes. Property taxes are the most expensive taxes to collect and they are a very inaccurate indicator of wealth. That is the critical notion of what this is all about. Our elderly live sometimes in nice homes, and my father was the first one to tell me, now that he is 69 and retired, he is being penalized for having kept his home up well. Now he is living on a fixed income, yet he is paying even more in taxation than he did when he was working. It costs a lot of money to collect. And you all know that in your home counties and the counties you represent that this is so. It is unfairly collected. It is unfairly assessed. Allegheny is not the only county that has a debacle in the assessment process. It is all across Pennsylvania. If we fail to move forward on this issue, I believe that it will mean at least another decade of inaction. We need to keep the pressure up, or else for another decade there will be no change.

Last year when we did this, and we failed by one vote, I invoked the image of Joshua Lawrence Chamberland, the hero of Gettysburg. The story, if you remember, is that the main regiment was at the end of the line, and if they were passed, the path was clear all the way to Washington, and the war would have been a lot different and we would be speaking with a drawl right now. But Joshua Lawrence Chamberland and his people held. They held because they had a belief in doing something right, and I would like us to think in those terms on this issue. Everyone talks about tax reform, but nobody ever does anything about it. Here is your chance. We are at the end of the line. You have a chance to vote "yea" or "no," but this is your chance to do something and not just pretend to be for tax reform. We must be like those heroes at Gettysburg and stand for something, and what I stand for is allowing my senior citizens to live in the homes that they worked their whole lives for.

This is your chance, and I urge a "yes" vote.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair recognizes the presence on the floor of Senator Delp and Senator Schwartz, and their temporary Capitol leaves will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, during the debate and the amendment process yesterday, the dean of the Senate, the gentleman from Delaware, Senator Bell, wisely reminded us of the purpose of this legislation, and that is to respond to the long-running public question: Why is nothing being done about rising property taxes? Mr. President, by passing Senate Bill No. 2, we do indeed provide a significant substantial answer to the major taxpayer worry. By passing this bill, we can say to the homeowner, the farmer, the senior citizen, here is a chance to do things differently on local taxes.

I agree with the previous speakers who have indicated that this is not the end of our journey but, rather, the beginning. We certainly expect to see the House of Representatives give it as much attention as we have here in the Senate and obviously make some changes, fine tune it, and before we ever see it go to the Governor we will see it back here again. Property tax relief has been an unreached goal for 30 years now. Certainly in the nearly 21 years I have been here, we have worked on this very, very difficult and complex subject. A variety of plans have failed because of the complexity of local taxes, the differences between regions and jurisdictions, and the taxpayer fears of hidden taxes. It has always been devilishly difficult to work through those hurdles and end up with a defensible and politically acceptable package.

The proposals in Senate Bill No. 2 do a better job for taxpayers than any proposal in my experience. It takes bipartisan cooperation and support to get the job done, and certainly that has been exhibited at its finest level in this body, and I con-

gratulate all Members for the excellent debate yesterday on the amendments and for the manner in which the entire procedure was conducted. Certainly, great credit goes to the two chairmen of the Committee on Finance who have worked on this, the gentleman from Allegheny, Senator Dawida, and the gentlewoman from Allegheny, Senator Hart, who have, as chairman and ranking member of that committee, respectively, worked diligently to bring the Committee on Finance to many, many meetings and come up with the kind of proposal that is before us today.

Mr. President, this bill offers options to change the tax system for counties, municipalities, and school districts, but it does not force any jurisdiction to change. This bill provides protection for taxpayers through a referendum requirement up front, and in jurisdictions where voters adopt property tax relief there is protection through a referendum requirement to prevent property taxes from being jacked up again. This bill works with a proposed constitutional amendment allowing for homestead and universal exemptions. Senate Bill No. 284, which this Senate passed earlier this fall, if approved, that measure will maximize the relief available under Senate Bill No. 2. This bill is a result of an extraordinary bipartisan effort, as I indicated before. A measure as complex as this features the contribution of so many Members, and I am concerned that if I start mentioning Members' names I may forget someone, but we all know who they are, and they have contributed mightily to this day.

I want to especially note the perseverance and leadership of those who have made this possible. As I indicated, Senator Hart, Senator Dawida, and others, and I guess I am beginning to mention them as I look around and see Senator Corman, Senator Gerlach, Senator Heckler, Senator Armstrong, Senator Mowery, and Senator O'Pake; Senator Stauffer and Senator Baker, who no longer are with us and who contributed so much to this; Senator Porterfield and Senator Madigan, who presented a proposal dealing with the equity side of this that this body must deal with at some point. There are so many people, people who came from local government who brought their expertise to this body to try to show us that we needed to make changes.

This at least is a beginning to make those changes and provides the ultimate flexibility. One size does not fit all, and at least the taxpayers and the voters of various jurisdictions are going to have that flexibility and the protection to be able to do it. It might not be perfect, but I want to tell you, it is the best I have ever seen in the 21 years I have been here. I have seen all the studies, I have seen all the intellectual exercises, I have seen all the academic theses that various professors have given to us, but when you get down to the pragmatic effect of it, I think the bill that we are poised to make history with today is indeed the very, very best that we have ever had. And with our vote today we have the opportunity to at last address the problem that has frustrated taxpayers, local officials, and legislators for these decades. We send a message to the others in Harrisburg who have not given this issue the priority and the public interest it should have. Our action is not

the final step, but it gives the issue the momentum needed for success.

The challenge is then put to the House: improve or refine the bill if it is necessary, but do not bury it. Do not gut it. Do not tell the taxpayers they will again be denied property tax relief. Do not tell school districts and other local jurisdictions that there will be no alternative but to continue dependence on property taxes, and do not give the courts the opportunity to do it for us, for that truly will be an expensive, cantankerous, contentious situation.

As we vote on this taxpayer-oriented legislation, credit must also go to the taxpayer groups and senior citizen groups and farmer groups across this State that have kept the pressure turned up high for action. Mr. President, passing this bill will deliver results high on the public's agenda. I commend all Members of the Senate for working hard, regardless of whether we agree or disagree. I think, again, the manner in which this was handled, the debate that we have heard is at its very highest level, and I think we can be very proud as we prepare to leave this body for our annual holiday recess. I think this is an achievement of which this Senate can be very proud.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, I, too, would like to commend and thank all of those who have worked on tax reform, not only in this Session but in the years that I have gone back and looked at the various pieces of legislation when I was putting together the proposal that the gentleman from Bradford, Senator Madigan, and I put together. And I am not here to debate the fact that our proposal did not pass, I am here to speak to Senate Bill No. 2 that is before us today.

It has been mentioned that one size does not fit all, and I know that this is not the final and complete package that we are going to deal with when it comes to tax reform. It will be back here. It will be dealt with in the House. There will be much discussion. And while that discussion goes on, Mr. President, I would trust that individuals who are dealing with this particular reform package will take a real hard look at the optional end of the proposal. Yes, this proposal permits some school districts throughout the State to get away from the burdensome school property taxes, but if there is one district out there that because of the structure, its wage structure, earning structure, whatever the case may be, is unable to opt in and unable to reduce the burdensome property tax, then we have done an injustice to the people in that area. We have done an injustice to those individuals on fixed incomes. We need something that is going to alleviate the burdensome property taxes on fixed income senior citizens. The categories that we mentioned yesterday as part of our proposal, first-time home buyers, individuals who lose their jobs and ultimately lose their homes because of high property taxes, we need to deal with those issues. We need to have the flexibility within a package that is going to assure all property owners across this State that there is going to be some relief from the burdensome school property taxation.

Within Senate Bill No. 2, as far as the county or municipality sales tax issue, this particular portion of the proposal will create a hodgepodge of taxation, and I have been saying this for many weeks. I have not used an illustration. In Westmoreland County, if you live in North Huntingdon Township or Penn Township and you have a ZIP Code in Allegheny County, with the current 7 percent sales tax in Allegheny County, if you purchase a vehicle in Westmoreland County and have a ZIP Code that is an Allegheny County ZIP Code but you are a Westmoreland County resident, before you finalize the purchase of that vehicle, for instance, you must take with you a copy of your real estate tax bill marked "paid" to show that your homestead is in Westmoreland County. That is just an example of the hodgepodge taxation that is going to exist across this State. The unfair advantage across a street, perhaps, of a county line where merchants are going to be charging that extra 1 percent on big ticket items is going to put their business at a disadvantage because one area opts in and one area does not. We need to look at these particular items of this proposal and find an additional or a better way to address these problems to assure that there is some equality of taxation and, along with the equality of taxation, the assurance that property taxes for school purposes are going to be addressed, that people are not going to be driven from their homes because of high school property taxes. I would like the people who will be working on this proposal in the future to keep some of those thoughts in mind.

I am not up here to beat a dead horse. I am not up here to beat to death Senate Bill No. 2. I am here to say to the people in this Chamber and the people in the House, and other individuals with input into this particular piece of legislation in the future, to try to address these issues that are so very important to the taxpayers of Pennsylvania.

Thank you, Mr. President.

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

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

Senator PETERSON. Mr. President, I rise today, and I will be very brief because I know the day is getting short, to support this legislation. I guess it has been interesting over the years of debate, having served in local government prior to being here, it has been interesting that it has been so difficult to pass local tax reform. We seem to have somehow felt that State government knows better than locals, and we have not given them the options that really have been needed. And I have always struggled with that. But on the other hand, I realize it is a very diverse State. I have a 10-county district in northern Pennsylvania, and parts of this bill that will work for one part will not work for the other. It is that diverse, even in my own legislative district.

But I guess the thing that I want to mention here today, and the need to do something and do it soon, is we are funding basically the bulk of local education with a property tax. We are funding almost all of county government with a property tax. We are funding almost all of local community government



with a property tax. I knew it was heavy, but I did not realize the percentage. These figures do not include Philadelphia. But we are making homeowners pay 81 percent of the local taxes to fund education, county government, and municipal government, 81 percent is being used, and I will use the word "penalize" homeownership. We have passed a lot of bills around here to allow people to buy homes, to promote home building, to promote everybody being able to own a home. That is the American dream, and yet we have been funding 81 percent of all our local and educational operations out of the property tax. We have unduly penalized homeownership.

Someone said this was a hodgepodge. Well, it may look like hodgepodge when you look at the diversity in this bill. I voted for 2222, or whatever the number was of the last bill. It was not perfect, but I want to tell you, I think this bill is a lot better than that one was, and I felt that bill gave a lot of options to our local governments. As we argued on the floor yesterday and the day before, it became very easy to understand how diverse this State is. Rural, urban, and even from one part of rural Pennsylvania to another part, the whole picture of taxation is different. The ability to pay taxes is different. And it is important today that we take this list of the well-defined ways local governments can tax and give them the chance to do that. There are lots of chances for voter participation. This bill does not leave anybody out. It is the best option I have seen, and I ask all the Members of this Senate, it is time to give homeowners a break, give communities the options on how to fund their governments and education, and pass Senate Bill No. 2 today and get it moving forward in the process as speedily as possible.

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

Senator KASUNIC. Mr. President, I rise today in support of passage of Senate Bill No. 2. Mr. President, this is a very crucial and critical piece of legislation. It is time that this legislature moves forward. It is time that we pay attention to the taxpaying public who have been clamoring and calling for tax reform for the last several years. Do I agree with Senate Bill No. 2 in its entirety? No, I do not. I do not agree with it in its entirety, but the question is, are you for tax reform or are you not for tax reform? It is one way or the other. And I am for tax reform. I, like everybody else in here, know that this bill will be back in this Chamber. We will have an opportunity to vote again. I only hope that the House of Representatives takes up this very important matter immediately. I hope that very shortly after the first of the year they address this problem, deal with it, fine tune it, do what they need to do, get it back to us so we can move forward.

As I said, the taxpayers of the Commonwealth deserve a break. As I said, they have wanted tax reform for years. It is time. It is time that we replace our outdated and antiquated method of taxation, and that is taxation of real estate. It is time that we all support passage of this very important piece of legislation. By supporting this bill, we are moving this issue off of dead center and we are allowing the debate to continue, and we are beginning to communicate. And hopefully we will be able, with the help of the House of Representatives, to ar-

rive at a good piece of legislation, a compromise piece of legislation, that here in this Senate and over there we can all support.

Mr. President, for these very reasons, I support passage of Senate Bill No. 2, and I urge all of my colleagues to do the same.

Thank you very much.

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

Senator BELL. Mr. President, I have listened very carefully today. I listened yesterday to the debate on Senate Bill No. 2, and there is a message in here. Although our older Pennsylvanians, and I am one of them, are worried as to what is coming out of Washington, what is coming to threaten them from the banks of the Potomac, in the Senate of Pennsylvania Senators on both sides of the aisle are very concerned about the welfare of our older Pennsylvanians. All of us know of the school tax revolt in most of Pennsylvania. Most of us know the backbone of that revolution is older Pennsylvanians whose security is threatened by confiscatory school taxes. And I want to compliment the Senators of both parties, because in this Chamber today I have heard Senator after Senator say, we are concerned about the welfare of our older Pennsylvanians and we are going to protect their welfare.

Thank you, Mr. President.

#### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

Senator FUMO. Mr. President, the word "reform" is probably the most profane word in the English political language. It is a word that many people hide behind when the facts are either too confusing or too horrible to let out. And it is the word that people use when they want anything that they can think of to be bathed in some kind of light from heaven. But reform is a very unique word in that it almost always means change, but it does not always mean change for the good. It, in most cases, means change for the bad, but we call it reform rather than say such a thing.

In this particular case, Mr. President, as with every, every tax, quote, "reform," end of quote, type of legislation, the real name for this is tax shifting. If this bill were to work in its most ideal form, something which I do not think will happen, but even if it were, it would mean that we would be shifting the tax burdens of our local communities from one set of taxpayers to another set of taxpayers. The problem is when you use the word "reform," everybody thinks it is money from heaven. Everybody thinks their taxes are going down and someone else is going to pay.

Mr. President, it is a shame that we in this Chamber have joined with the debacle that is going on in Washington, of



which the gentleman from Delaware, Senator Bell, briefly spoke. I watched "Newslines" last night, and I watched my Democratic President be castigated by independent media sources for scaring the heck out of senior citizens over Medicare. I also watched the same commentator criticize Newt Gingrich and Bob Dole for scaring the heck out of those senior citizens by saying they were protecting some trust fund which is not in trouble. And all we are seeing today is that the President's spin people are doing better than the Congress spin people. But in reality, no one is sincerely addressing the problem. So here today we fall all over ourselves in an attempt to pander to senior citizens throughout this Commonwealth by saying to them we are protecting you. While those guys down in Washington are sticking it to you on Medicare and Medicaid, we, your friendly local State politicians, are protecting you from the evils of the world.

Mr. President, that simply is not true. When we wind up shifting things around, there are scenarios in this bill where someone's individual personal income tax could increase 120 percent. So that means that those senior citizens out there who now think they are going to get a great tax break on their real estate but happen to have some money invested in annuities, in savings accounts, in other forms of non-earned income, that income will now be taxed. And sooner or later someone is going to sit down with a calculator, in fact everybody is, and add up how much do I save versus how much do I gain? If I am a winner I like it, if I am a loser I do not. And that group will not just be as the debate seems to indicate today, by age. You will have senior citizens saying I do not want this because I rent and I have income coming in. I make out nothing on the property tax side, and now I get banged on the income side. You will have poor people who work saying they do not want to do it this way. There is a myriad of scenarios, and that is why this bill is so confusing, because it attempts to cover that myriad of scenarios, and in reality, I predict to you that most people will do worse than people will do good.

But we do not have to discuss that, because all we have to do today is stand up here and say we are for tax reform. And people, depending on your age, can come in here and say, I have been fighting for this for 25 years, for 30 years, for 40 years, the newer Members for 5 years. Since I first heard about it last week, I have been fighting for this. They probably do not really know everything they have been fighting for. And I do not think this bill will pass, so ultimately it will not pass so that we will not get to see the wrath that will be generated if it did.

I find it particularly ironic that my colleagues on the other side of the aisle, when Bob Casey tried local tax reform, inserted into that bill a mandate that there had to be a question on the ballot as to whether or not that would pass, and I watched some people on this floor try to have it both ways. They said it was a good bill, not as good as it should be, not as good as it could be if they would have drafted it, all the normal nonsense that the public has learned to hear from us, but then turned around and along partisan lines tried to destroy it, and they did, by spending huge amounts of money, by running scare tactics to vote "no."

And I am familiar with the tactics that the Republican Party used in the Philadelphia region. In Philadelphia, Republican Senators and House Members were telling people, do not vote for this because it hurts Philadelphia. In the suburbs, right across the street, in the surrounding counties, suburban Republican legislators and Senators were saying do not vote for this, it will help Philadelphia. And that was only the debate in southeastern Pennsylvania. Granted, it was on a very high level. But because of the confusion, when the public finally had the opportunity, they sat down and said to them, as people oftentimes say, the evil I know is better than the evil I do not know, and I do not want anything changed. I do not like the taxes I have, but God knows what is coming down the pike.

But I do not find a provision in here which says we have to go statewide to implement this. No, that is not in here. Why should it be? Because we may have learned a technique from you and we may do the same arguments all over the place to embarrass you. The problem is there is no real, honest debate and work going toward what do we do with taxes. The only debate we hear is how can we lower them? And the reality is you may not be able to lower them. But if you are going to shift them, shift them in a manner that is not only fair and equitable but gives you a competitive edge when it comes time to competing with other States for business and jobs so that the economy can grow and we can attract new wage earning taxpayers, not drive them out of the State because we are going to raise their taxes to preserve what we think is a political ploy for some senior citizens. No thought like that went into this bill. This has been a personal political agenda.

So, Mr. President, this bill is flawed and I could talk for hours as to the technicalities, and I know not only would I bore you, I would bore myself, and more importantly, I would bore the viewing audience on PCN. So I do not want to do that. But I think the people out there in this Commonwealth are smart enough to know that when any of us in Harrisburg stand up and say we are doing you a favor, look out and grab your pocketbook, because let me tell you, let me tell you one small indicator in this bill that should make the "decent, honest, hard-working" Pennsylvania taxpayer just a little bit suspicious about what is going on. This is supposed to be a tax reform bill. This is supposed to be a bill in which we are going to aid our poor senior citizens with their real estate tax and then increase the taxes on the younger people who are working, or whatever other combination, maybe a sales tax, we are going to shift some things around here, but the overall goal here is to make things fair and equitable for all, and in particular as I listen to the debate, help those senior citizens who most need help.

Well, if that is the case, Mr. President, why do we find provisions in here that say you cannot tax a racetrack facility, you cannot tax a local ski resort, and you cannot tax car dealerships on the business privilege tax? I do not know of one senior citizen in this Commonwealth or one "decent, honest, hard-working Pennsylvanian" who called my office or any one of your offices and said, hey, this is great, and while you are at it, make sure you exempt those car dealers because they are great guys. Last time I bought a used car from that guy, he

was fabulous. I love used car salesmen. You have to exempt them. And those ski resorts are fantastic, they should not have to pay taxes. And racetracks, my God, they are phenomenal, do not tax the racetracks. Tax me on my income tax, but do not dare tax the racetracks. I did not get any of those calls, and I know you did not get any of those calls from "decent, honest, hard-working" Pennsylvania wage earners, but I will bet you my house that you got those calls from the lobbyists for the special interests for the car dealers, for the racetrack facility owners, and for the ski resort owners. I will bet anything they were up here knocking at somebody's door. What has that got to do with helping our senior citizens? If anything, it increases the burden on every taxpayer when you give a break to a special interest like this.

But let me tell you another story. That one was not horrible enough. In the city of Philadelphia, which has been continuing the struggle to stay alive and has done a good job in the last 4 years and did not come here and say bail us out, it bailed itself out, in the city of Philadelphia, they tax national banks and financial credit unions. Last year they generated \$2.2 million in that tax revenue. But the big banks said, we are not paying this. We do not have to pay this. We will litigate this. So there was a lawsuit. The city of Philadelphia said to the big banks, you have to pay this tax the same as other businesses have to pay. The big banks said no. So while their lawyers are joined in combat in the courtroom, what happens? A little lobbyist comes up here from CoreStates and talks to somebody and says, you know, we might lose this case. We do not want to lose this case. In fact, we are tired of paying the legal fees to the lawyers, let us take care of you guys somehow, get us out of this. While you are doing this local tax reform for all this great good, do us a favor and save us some legal fees and put a provision in there that says that the city of Philadelphia cannot tax us. And, lo and behold, it goes into the bill.

How did that happen? Was there some senior citizen somewhere perhaps in Potter County who called the people who were writing these bills and said, you know, CoreStates Bank in Philadelphia is a wonderful institution. My daughter has an account there, has about \$30 in it, and she is really concerned that that bank has to pay taxes to the city of Philadelphia. Why do you not take that out? Who is kidding whom? So behind the profanity of "reform," we finally see the true light of sleaze. I do not know what it cost CoreStates to lobby that bill. I do not know what it cost them in favors. I do not know what it cost the racetrack facilities, the car dealerships, the ski resorts, and the other ones that I have not found yet, because I cannot believe that only four people got this turkey. There have to be a couple more because we are adjourning now for Christmas, and as my good friend, Senator Bell, taught me when I first came here, this is turkey season. I do not know what else is in here. I do not know what else it cost, but I will bet you it was cheaper to come up here and do their thing than it was to fight it in the courts, and certainly a hell of a lot cheaper than to pay the tax.

But where were you in advocating this bill to say that local governments cannot tax "decent, honest, hard-working Pennsylvanians"? They are not a special interest group. That is Joe

Six-Pack sitting home watching television, getting it not in the place he would like to get it. I hope he is watching PCN tonight. I hope he is as outraged as I am about the special interest clauses in this bill. And if you wanted a pure bill, you should have left them out. You should not have put them in and dirtied your own hands in the process.

So this is not reform. This is special interest again, big business giveaways on the back of Joe Six-Pack and the senior citizens, I might add, at the same time you are trying to sell them we are helping you, not those guys in Washington, we are helping you. No wonder why people have lost their confidence in government. No wonder why voter turnout is so low, because they see these kinds of shenanigans day after day after day, and they lose confidence in their elected officials. If you are going to give them a tax break, give it to them in a separate bill and run the damn thing. Be honest about it. Do not bury it in here and hide behind some little old lady on a Social Security check in a house that her husband may have left her before he died. That is simply not fair. It might be reform in its most profane sense, but it is not fairness.

Mr. President, I urge all of my colleagues to reconsider and vote "no" on this bill, no matter where you sit, unless you want your hands to be dirtied with this special interest nonsense as well.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, the previous speaker, the gentleman from Philadelphia, Senator Fumo, has just pointed out what he believes are some glitches or some improprieties in this piece of legislation that I hope is going to pass today. He predicted it will not. I certainly hope it will. A local government tax reform piece of legislation will never be perfect. It was not perfect back in 1989, whenever Governor Casey had his local government tax proposal, which I helped to move forward on this floor so that it would have an opportunity to be voted on by the populace. I went out and campaigned for that piece of legislation as well, and I very proudly stand here to say that I had the only two counties in the Commonwealth of Pennsylvania that voted for that piece of legislation, and that piece of legislation was not the perfect local government tax reform piece either, but what it would have done is provided some new options, move the ball forward.

We never get the perfect piece of legislation when we pass anything here, but we hopefully move the ball forward so that we can then come back later and find out if local governments are not utilizing this remedy, if, in fact, it is a remedy, or we can find out why they are not and make another adjustment. This is not a straightjacket proposal of taxes that local government shall use, but it is, in fact, a new list of taxes or arrangements for local governments to adopt if they so choose. You know, they may stay with the current tax structure that they have, if that is their choice. And if they like what we are offering to them, they may choose this choice.

If I may just point out one incorrectness of the gentleman from Philadelphia, Senator Fumo's judgment on this piece of legislation, there is no special arrangement in here for automo-

bile dealers. There was for a while, but I think in good sense in this bill we eliminated the gross receipts tax for all people, if, in fact, that unit of local government decides to go to this local government tax reform proposal.

So I think there are a whole lot of reasons as to why we need to pass this today. I was shocked and saddened, I thought in 1994 we had a bill that would pass, and I think I said a couple of glowing comments and sat down feeling very proud that we were going to pass it that day and it failed by one vote, which was shocking to me. I am hoping that we are not shocked today. I am hoping that we will move this ball forward. This is not the perfect remedy. It is a good remedy, however. I suspect it will be changed in the House, and when it comes back I hope we have another opportunity to pass judgment and finally pass it.

Thank you.

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

Senator PETERSON. Mr. President, first, I would like to do something I meant to do when I rose the first time and failed to do. I would like to specifically congratulate and thank the gentlewoman from Allegheny, Senator Hart, the gentleman from Blair, Senator Jubelirer, the gentleman from Centre, Senator Corman, and the gentleman from Chester, Senator Gerlach, and all of those who worked at this, and their staffs who worked at this tirelessly. I do not think I have seen a bill that has had more work put into it, real grinding of the process, than this bill. It has gone on for, really, several years because much of the work that was done in the last bill was carried into this one. It has been a tireless effort, and those who led the charge I think need to be congratulated because it is a good piece of work.

Now I would like to comment on the comments of the Philly spin doctor. We heard from the Philly spin doctor a few moments ago about everything but the meat of this bill. They tell me, and I am not a lawyer and I do not want to offend my lawyer friends, and they can tell me whether I am right or wrong, but I am told that when lawyers do not have a good case and the facts and information are really not on their side, they make a lot of noise, they do a lot of diversive tactics. They try to point at everything but the meat of the issue, because they cannot win there. The meat of the issue before us today is that we have a chance to vote on real tax reform.

What is reform? I questioned a few moments ago when the Philly spin doctor was speaking. Webster says, "to amend or improve by change of form or removal of faults or abuses." Does this bill give school districts and counties and townships and boroughs and cities the right to divert from 81 percent of all local governments being paid with a penalty on homeownership, the American dream, to other ways of financing? You bet it does. It gives them a whole series of ways to raise the funds that are necessary to educate our kids, to run our local governments, without having almost all of that burden on property ownership. The next definition, "to put an end to (an evil) by enforcing or introducing a better method or course of action." I think penalizing homeownership by 81 percent of all

the local revenues raised is evil, and this gives us a chance to stop it.

He also mentioned the debacle in Washington, which really has nothing to do with the issue, because in Washington there are some leaders who are trying to bring the cost of government under control. And I am just going to give the gentleman from Philadelphia, Senator Fumo, a figure and let him think about it because it made me think about it when I saw it. The cost of financing the debt of our national government that we have become far too dependent on, the cost of financing our debt is now almost equal to all the revenues of all the States in this country, 50 States. The revenue we raise, New York raises, all the other States, is the money spent on the national debt that buys us nothing in services or to help people is equal to all the revenues raised by all the States in this country. That is an astounding figure. And if we do not have people in Washington who are trying to cut that back, that is a debacle. Fortunately, we have some leaders there today who are trying to downsize the Federal government.

In conclusion, do not let the spin doctors veer you from the issue that is before us. Do not let them call this sleaze. That was the most inappropriate statement made. This bill is not sleaze. This bill is a serious list of ways governments can tax and get away from the property tax that penalizes homeownership. I will not say anything more about that issue, though I could. I think today Webster's definition of reform is in this bill - options, alternatives, better ways of doing things, our counties, townships, boroughs, and school districts. And, yes, this bill is about reform. It is not about sleaze.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Mr. President, I had not intended to get back up again on this issue but felt that, based on the comments from the gentleman from Philadelphia, Senator Fumo, a few points ought to be made.

I was really taken aback by the comments that this reform is profane because somehow people take out their calculators and they will sit and think about how they can shift the tax away from themselves to somebody else. Well, in actuality, that is exactly what this is about. We have a current system in Pennsylvania where they cannot really sit with their calculators to figure out whether they like that current tax structure or not, because, guess what, they just get the bill every year. Whether they like it or not, they get the next bill. And in my area, that means primarily 8, 10, 12, 15 percent increases in property taxes. They do not have the ability to take out that calculator and see whether or not, overall, if they shifted away from property towards income, that might help them, and therefore be able to go forward and vote on that to see if that whole municipality or that whole district would like to see the change in that. They do not have that opportunity.

I think we want to return to a kind of situation where our taxpayers do have greater participation, do have a greater say in whether that current tax structure is fair for them or not. And if that means sitting out there as that local tax study commission is coming up with recommendations on how to make

that change, having their calculators with them and figuring that out, and then before that referendum question is voted on on election day, taking out their calculators and deciding, does that help me, and making a collective choice on whether to change that tax structure, that is exactly what we want, and that is what this proposal does.

Yes, the taxpayers rejected the 1989 proposal because they really did not have as much opportunity as this proposal has to take out their calculators and participate in local taxation and participate in what that structure is going to be in their municipality or their school district. The 1989 proposal was a significant step forward, but this proposal is better. There was too little taxpayer protection in the 1989 proposal. There is more of it in this proposal. That is why the taxpayers rejected it in 1989. That is why they are continuing to demand that we continue on this issue, and that is why this proposal is much better than that one and why we are obligated, it seems to me, to give the taxpayers more voice in what their local taxation system is and give them that opportunity to grab their calculators and then go vote on what is going to make their system better than what it is today. That is reform. That is not profane. That is progress, and we need to make it.

#### LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, would you note the presence of Senator Robbins on the floor and cancel his temporary Capitol leave.

The PRESIDENT. Without objection, that leave is cancelled.

#### LEGISLATIVE LEAVES

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

The PRESIDENT. Without objection, that leave is granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator Fumo, and I would like to have the personal leave granted to Senator Andrezeski changed to legislative leave. We received a phone call from him, he is back in his office doing State business.

The PRESIDENT. Without objection, those leaves are granted.

And the question recurring,  
Shall the bill pass finally?

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

Senator WAGNER. Mr. President, I rise in support of Senate Bill No. 2. This is not an ideal piece of legislation. There is no perfect piece of legislation related to tax reform. Why? Because everyone wants something different. We have heard a number of amendments in this Chamber yesterday. I am sure there will be as many or more in the House of Representatives

if Senate Bill No. 2 passes today. But it is legislation that brings government closer to the people, and I think it is important that we remember that. It permits government, local government - counties, cities, boroughs, townships, and school districts - the opportunity and the flexibility to determine how they, and I repeat, how they want to deal with the property tax problem.

Mr. President, the number one problem in the minds of homeowners in Allegheny County is the property tax problem. My colleagues in this Senate from Allegheny County know that as well or better than I do, especially the problem related to property taxes and school districts. They feel as if they have no opportunity, no way in which to reduce the burden of property taxes related to their home, to their residence, what they have worked their entire life for, to stay in their home, particularly when they become senior citizens.

Mr. President, we have an antiquated tax structure, and I repeat, an antiquated tax structure at the local level in the Commonwealth of Pennsylvania. Is it not time that a change occurred? And anyone in this Chamber who has served the people of Pennsylvania at the local level in any office, in any capacity, knows in their hearts that we have a serious tax structure problem in Pennsylvania. Mr. President, Senate Bill No. 2 is an attempt, a beginning, to change that antiquated tax structure. Any change or shift in property taxes would occur through the voice of the people in Senate Bill No. 2 through referendum. If you ever want to get people to participate in government, put a tax issue on the ballot. They will vote in record numbers, because they know the final outcome will directly impact their own pocketbooks, in a positive or a negative way. But, absolutely, they will participate. And that is what Senate Bill No. 2 is all about.

Mr. President, and the people of Pennsylvania, local referendum is absolutely empowerment of the people, and that is what we are suggesting today, even though it is not perfect. Let the public determine how they want to be taxed without Big Brother saying only Harrisburg can determine the rules by which local government operates. Mr. President, under Senate Bill No. 2, let us give the power back to where it belongs, to local government.

Thank you.

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

Senator BODACK. Mr. President, I, too, feel as the gentleman from Delaware, Senator Bell, does. I am very happy to hear so many Senators, however misled they have been, speaking on behalf of the senior citizens of this Commonwealth. I, too, am in favor of helping our seniors. They have done so much for this building and the people in it over the years that they have worked that I think it is time we do something for them. And I also think it is time during the debate on this bill to blast right through the double-talk that we have been hearing here and be straightforward with our people and tell it like it is.

Mr. President, this bill is flawed. It is a farce. It is a sham, and it will be a cruel hoax perpetrated on the people of this State if it becomes law. It raises false hopes for our

hard-pressed senior citizens, those who are in dire need of meaningful property tax relief, and it tells the majority of Pennsylvania's working families that unless you vote to increase your total tax burden and pay for a windfall tax break for big business property owners, your property taxes will not even be partially reduced. It tells, Mr. President, our locally elected officials that Big Brother in Harrisburg is going to tie their hands. It tells our local governments and their officials that we are going to require voter referenda for your tax decisions but, of course, not for the tax decisions that we here in Harrisburg make.

It says, Mr. President, that if, and only if, hundreds and hundreds of local tax referenda are approved, the first order of business is a whopping \$1.7 billion property tax cut for the commercial property owners in this State. For the average working family you will pay more or be picking through the bottom of the barrel for any crumbs that are left there as tax cuts. This tax reform, as the Pittsburgh Post Gazette described it last year, is nothing less than tax deform - not reform, deform. It has a seriously flawed hodgepodge that just will not, and I am sure it does not, work.

Yesterday, Mr. President, you will recall that during the amendment debate several of my Republican colleagues made very valid arguments for my side. I was interested to hear the gentleman from Lebanon, Senator Brightbill, who talked about how without the necessary homestead constitutional amendment there might be one or two or three, possibly five municipalities which might still be interested in taking advantage of this legislation. Well, as we heard on the floor today, there are 2,600 municipalities and 501 school districts. If only five municipalities take advantage of this because it is so flawed, then I submit, Mr. President, that we here have not done our job. We have not provided a responsible mechanism for meaningful property tax relief.

Now, the gentleman from Montgomery, Senator Tilghman, in his comments raised a very valid point when he asked what would happen to property taxes for businesses if a municipality took advantage of the across-the-board millage reduction option and then the homestead constitutional amendment passed and the local government shifted to that option? Will our local entities go back and raise taxes on businesses after the homestead provision becomes constitutional? Not likely. As I said many times before, this bill really does place the cart before the horse. You cannot do it the right way without the homestead or the universal constitutional amendment, and everybody in this Chamber knows that. Even House Majority Leader John Perzel recognized that point when he said at the outset of this Session that a constitutional amendment is the first vital step on the road to local tax reform.

Less than 2 months ago on this floor I stood and agreed and commended the gentleman from Blair, Senator Jubelirer, for his sponsorship of Senate Bill No. 284. At that time I voiced a hope that all parties in this debate this time would be on the right track, that there was recognition of the need for a constitutional change to come first. It is a shame, Mr. President, with our consideration of this bill at this time that this Senate has failed to recognize the key flaws and has turned a deaf ear to

the mistakes of the last Session. We tried to correct those mistakes. Unfortunately, the principal sponsors of this bill have demonstrated once more that their interest lies in their way or no way. The end result is we have a bill that allows for a huge shift in taxes, right off the backs of business and right onto the backs of the working people of this Commonwealth.

Finally, let me make a few other observations. If former Governor Casey's failed local tax reform of 1989 was viewed by Senator Jubelirer then and also the other detractors as nothing more than a tax increase, then I personally fail to see how this bill can be considered anything but a tax increase. The Casey plan, you will remember, granted school districts the optional authority to impose a personal income tax of up to 1.5 percent. Senate Bill No. 2, Mr. President, allows a tax increase one-half of a percent larger, up to 2 percent. The Casey plan granted the municipalities the optional authority to impose a personal income tax of up to three-quarters of a percent. Senate Bill No. 2 allows a municipal income tax of a full 1 percent. The Casey plan, Mr. President, you will recall, granted counties the option of imposing a sales tax of up to only one-half of 1 percent. Senate Bill No. 2 allows those counties to impose a sales tax of up to a full 1 percent. Furthermore, Senate Bill No. 2 allows for a county personal income tax of up to one-half percent. The Casey plan allowed municipalities the option of imposing a municipal service tax of up to \$20. Senate Bill No. 2 allows a municipal service tax that is 33 percent higher, up to \$30. The Casey plan included an anti-windfall safeguard to limit revenue growth over the first 4 years of the new tax system. Senate Bill No. 2 only limits revenue growth in the first year after implementation of the new system.

Finally, Mr. President, Senate Bill No. 2 fails to meet one of the primary objections voiced by the gentleman from Blair, Senator Jubelirer, and others at the time when the Casey plan came to a vote. At a news conference on May 11, 1989, Senator Jubelirer chastised the Casey proposal because, and I quote, it is right here, "The plan does not end reliance on the property tax. For once the shift in taxes occurs and the new taxes are imposed, the property tax again becomes the only tax hike choice whenever revenue is needed," end of quote. Mr. President, the exact same thing absolutely holds true with Senate Bill No. 2. I fail to see how this bill meets what was once one of Senator Jubelirer's primary objections.

And for that reason, and the other reasons that I stated, Mr. President, I would urge a negative vote on this bill.

Thank you.

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—33

Andrezeski	Hart	Mowery	Robbins
Armstrong	Heckler	Musto	Shaffer
Bell	Helfrick	O'Pake	Stapleton
Brightbill	Jubelirer	Peterson	Stewart

Corman	Kasunic	Piccola	Thompson
Dawida	LaValle	Porterfield	Uliana
Delp	Lemmond	Punt	Wagner
Fisher	Loeper	Rhoades	Wenger
Gerlach			

NAYS—15

Afflerbach	Greenleaf	Madigan	Tilghman
Belan	Holl	Salvatore	Tomlinson
Bodack	Hughes	Schwartz	Williams
Fumo	Jones	Tartaglione	

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

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 76 (Pr. No. 2930) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Conservation and Natural Resources to grant a restricted right-of-way allowing cable television transmission lines to cross Ohioyle State Park property.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 569 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 638 (Pr. No. 1611) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), entitled "Storage Tank and Spill Prevention Act," further providing for definitions, for aboveground storage tank requirements and for suits to abate nuisances and restrain violations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER offered the following amendment No. A6624:

Amend Sec. 2 (Sec. 301), page 10, line 2, by inserting after "STANDARDS": provided that new or existing aboveground storage tanks have an in-service inspection in accordance with API or other nationally recognized standards by a Pennsylvania certified inspector at least every five years as well as monthly maintenance inspections by the owner/operator or his designated representative

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 OVER IN ORDER

HB 905 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 908 (Pr. No. 2931) — 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 relating to attachment of personal earnings.

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 pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, just briefly on House Bill No. 908, I want to remind the Members that this is a bill that would allow landlords to attach tenants' wages for damages, and there was at least a little bit of discussion about this, if not on the floor certainly in some of the side rooms, as being actually a very bad precedent to set. I think we really try not to put a burden on employers, and this, of course, includes small employers, to garnish wages except in the most serious



situations where there is clearly a public good or a public interest in making sure that these payments are made. I do not believe that this particular situation, the payment of damages which might well be disputed, is really such a condition of serious public interest that we would ask employers to be garnishing wages for this purpose. I also think that it is a bad precedent for us to set.

Why are we garnishing wages for landlords over damages? Why not on payment of back rent? Why not on department store credit that is not paid? Why not other kinds of credit cards? Obviously, we could make employers collection agents in a whole number of areas, but particularly, Mr. President, in situations where you have landlord-tenant disputes, I think there really are some concerns here. You may also recall that we have asked our legal services, our legal aid, not to get involved in any of these disputes, so you may be in situations where poor tenants go unrepresented in court and then have no alternative but not be able to meet the payments, have their wages garnished, not be able to feed or clothe their families, and potentially not be able to pay current rent and be tossed out into the cold. We do not need to add to the homeless population by garnishing wages of those who are trying to make ends meet.

I believe, in short, Mr. President, this is not a bill that is friendly to most of the citizens of Pennsylvania. There are ways to handle small claims around damages in small claims court. Again, going to the point of garnishing wages is one that I think is much too extreme given the circumstances. I would ask for a "no" vote.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I am not speaking against landlords, I am just speaking against the principle of garnishing of wages. Fortunately, Pennsylvania, in its more enlightened days, saw fit that the garnishment of wages would be very severely cut back. As I understand right now, it is only for child support and taxes. What happens when you garnish a man's wages and he has nothing left? He goes on welfare or he flees the Commonwealth. I do not think this should be done to our working people. As the lady from Philadelphia said, there are other ways to collect debt. So you are going to garnish today for landlords, tomorrow for credit cards, next for the bank debts, and you are going to have involuntary servitude. I think it is time that the people who work for a living and do not have an awful lot of money should be protected, and those wages that are brought home should feed the children, provide the clothing, pay the heat. Now, again, it is the principle. On this, whose side are you on, the landlords or the working people?

#### LEGISLATIVE LEAVES

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

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

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Gerlach and Senator Robbins. Without objection, those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—34

Afflerbach	Gerlach	Madigan	Robbins
Andrezeski	Greenleaf	Mowery	Salvatore
Armstrong	Hart	Musto	Shaffer
Belan	Heckler	O'Pake	Stapleton
Bodack	Helfrick	Peterson	Thompson
Brightbill	Holl	Piccola	Tilghman
Corman	Jubelirer	Punt	Tomlinson
Fisher	Lemmond	Rhoades	Wenger
Fumo	Loeper		

#### NAYS—14

Bell	Jones	Schwartz	Uliana
Dawida	Kasunic	Stewart	Wagner
Delp	LaValle	Tartaglione	Williams
Hughes	Porterfield		

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 FAREWELL MESSAGE OF SENATOR MICHAEL M. DAWIDA

The PRESIDENT pro tempore. We have a special order of business that we are going to take up at this time.

Members of the Senate, this is likely the last day we have before one of our Members departs for another office, and at this time I would like to recognize the distinguished gentleman from Allegheny, Senator Dawida.

Senator DAWIDA. Mr. President, it is quite likely that the next time I see all of you I will be in a different job, so I would like to take just a few moments before I leave to tell you, first of all, what I believe and what I think about what we do here. It is always a good time when you are leaving to be more candid, I suppose.

Jean Rousseau said in 1794, and these are the words I have always tried to live by, what does a man owe to the land he lives? His most precious possession, the morality of his actions and the love of virtue. Now 100 years later, a great Supreme Court Justice, Oliver Wendell Holmes, said it slightly differently. He said, rejoice and recall what our country has done for each of us, and ask what we can do in return. Now, another fairly well-known politician stole these brilliant ideas, and the best ideas tend to be borrowed from other people, and John Kennedy said on January 20, 1961, everyone here I am sure heard it, "And so, my fellow Americans, ask not what your



country can do for you; ask what you can do for your country."

I told my mother when I was 11 years old I wanted to be like that. She, of course, said, please, be a lawyer, be a doctor, do not get into politics. But I am glad I did because those three sayings that I just went through are about what this Senate, at its finest, is about - serving people.

All four of my grandparents were immigrants, coming from four different parts of the globe. None of the places they came from could have imagined that I, as one of their children, could possibly have made it to such a position, nor did they have the right to vote in any of those lands. So being a part of this Senate truly has been, for me, a wonderful experience.

However, I have to caution all of us. Henry David Thoreau said the savage in man is not far removed. And it is true. And in our campaigning and in our deliberations towards each other, you all have noticed a difference from the time 17 years ago when I got into government, and all of you have been around, how different it is than it was then. We do not speak to each other in such a friendly way. We seldom get together after work for a drink, and then when we campaign against each other, we are savages. We call each other every name in the book. If Wendy's and McDonald's did to each other what we do to each other, nobody in this country would eat hamburgers. The media will not and cannot help. You see them, they are not here anymore. Seventeen years ago there were 30, 40, 50 people covering us. Now there are two or three. They cannot help us. We have to help ourselves.

And we ought to think about what we are ultimately fighting for. The power we wield here is nothing but a short breeze. No one will remember most of us a few months after we are gone, and very few of the issues that we ever dealt with will be remembered, if we do not do some good for that. Many of the things that we argue about, and it seems so very serious, are gone 5 miles down the turnpike. Nobody even knows what it is that we are talking about, and I am sure you have had this experience. I go home, I talk to my wife, I am all pumped up and she says, well, I never heard anything about that, and no one does, and yet we sometimes kill each other over it.

I have always tried, often unsuccessfully, to do more than that. My last day as a House Member the Clean Indoor Air Act passed, and that has changed the way we think about public smoking. The gentleman from Venango, Senator John Peterson, and I worked on that together, and it was a wonderful way to finish a House career. The passage of tax reform is a nice way to end a Senate career. But the concept that I want to get across to all of you is that the legislation that works and that means something does some good for people and it is bipartisan; the stuff that we ramrod through each other never is remembered more than a day or two. You all helped me pass the Food Donor Act, and an enormous amount of food has been provided for poor people because of that.

And I would like to bring to your memory banks a day when all the Amish came up here, the first time and maybe the only time, and that was to help them protect their way of life with midwifery. That was something that I led, and they could not understand why a city guy cared about midwives, but it

meant something about the fabric of life in Pennsylvania and I really thought it was worthwhile. And those are the things that people will remember, not the arguments that we had against each other.

The organ donation law that you all helped me pass will save countless lives and enable families to prolong their precious time together on this earth. Our Jewish brethren say it best: If you save one person, you save the world, and that is what I would hope to leave you with, the idea that we ought to be concentrating on helping people one at a time. We have done things, when we do that, we do well.

We have lowered people's insurance rates. Nobody remembers it, but we did. We created a Venture Capital Fund with \$800 million in it that has not been utilized for the good of our economic development projects. The gentleman from Allegheny, Senator Fisher, and I worked together to get Little Leagues to be tax exempt so that when they sell their hot dogs it goes to helping programs. That is this Senate and this body at its finest. We all saved PACE together because we knew how important it was. Yet in all of our campaigns, this gets twisted, and you are all going to face it every time you run unless we do something about it. I had to face it just recently and it was ugly.

I missed one day in 17 years in this legislature, and that was the day my son, Peter, was born. This year I am going to coach Little League, and I am going to attend my daughter Sarah's open house, and I am going to take my 2-year-old daughter to the park. The savagery and ugliness that I had to deal with in this last year will fade away, but you are all going to have to face it unless we do something about it.

This is a splendid body and this is about as good a place to work as anybody could have, but you know it is not as good as it was and it is not going to be a good thing for the people of Pennsylvania unless we stop attacking each other the way we do.

Democracy is ascending throughout the world. The Berlin Wall is down. Who would have thought? We still have to be the beacon throughout the world, for no one else can be like we are. The great religions of the world all say the same thing: The glory of God is man, and all of us have a responsibility to each other. The one biblical phrase that I like to use all the time comes from Peter in the Bible: We are all to be good stewards of the gifts and graces that are given to us, and we are to do it to help each other.

I want to thank all of you for the wonderful opportunity to work here with you. This is truly one of the most marvelous places on earth, and if we do not protect this special place, it will be a terrible loss for democracy as a whole and for society. And on one last mundane note, after talking to you about the great philosophies of the world, next June 30, just remember to leave a few million dollars for Allegheny County.

Thank you.

(Applause.)

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

Senator FISHER. Mr. President, I rise to commend my colleague and friend from a neighboring district in Allegheny

County, Senator Dawida. I first began serving with Mike Dawida back in the late 1970s in the House of Representatives when he was elected to a district also which was very close to the House district that I was representing at the time. And Mike came over here in the mid-1980s, I believe 1984, after a race against the late Senator Romanelli, and Senator Dawida and I have had the opportunity to work over at least the past 10 years on a lot of issues for the people we jointly represent in Allegheny County.

I know that Senator Dawida has always represented his district in a way that the people who sent him here wanted him to do. We have had differences of opinions on some issues, but I do not think they have been many. But I think the most important thing is that during Senator Dawida's tenure, I know, Mike, that you have always been a person who has worked hard and has been very interested in the people in the neighborhoods that you represent. I always felt that you were a person that we could work well together. Oftentimes, we were able to transcend the partisanship, the bitter partisanship that you talked about here on the floor, and sometimes the bitter partisanship that pervaded our county.

I recognize, as do all of us in Allegheny County, particularly this side of the aisle, that the last year was a tough one for Mike Dawida. The outcome of the election was not what you had hoped for it to be. But one thing that I think that you will find out, there have been some others of us who have run in elections in which we did not end up with the outcome that we wanted it to be. But in politics and in life, there always is a future, and your future as you leave the Senate is a future representing the people of Allegheny County as opposed to representing the people of the 43th Senatorial District.

So as you leave, I say as a colleague, a neighbor, and as a friend, we wish you all the best of luck. We certainly look forward to working with you not just here but back in our county. Members of my party, Bob Cranmer and Larry Dunn, will be the majority commissioners of Allegheny County, and I hope that you work as well with them as you have worked with us over the past decade. We wish you well.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I also would like to take the opportunity to wish a colleague farewell today. Certainly, Mike Dawida has been one of Allegheny County's strongest advocates in this body, and, fittingly, Mr. President, that is where he is returning to, his home in Allegheny County, where I am sure he will add to his distinguished record of public service there in serving the people of Allegheny County.

I think it is also appropriate that Senator Dawida leaves the Senate on the day that we voted on local tax reform, and certainly that is an issue in which he has been a leader in the forefront with the gentlewoman from Allegheny, Senator Hart, the gentleman from Blair, Senator Jubelirer, and others in this Chamber. And today to see its final passage after an arduous afternoon and evening of amendments yesterday, I think that

it is certainly fitting that that issue was voted out of here today in a favorable manner.

However, I think it is important to note for the record, Mr. President, that tax reform is only one item in a long line of Senate accomplishments that Senator Dawida has been able to bring to the forefront, certainly since his tenure here in the Pennsylvania Senate, from promoting organ donation to improving export trade and fighting juvenile crime. I think that Mike Dawida has lent his talents and energies to many of these issues that will benefit all of Pennsylvania.

Throughout his 16-year career as a legislator, Mike Dawida has never wavered in his strong belief that government can help people, and I think that just hearing Mike Dawida's comments here as far as a clear view of how he saw government and the way it operated demonstrates his integrity and his commitment and enthusiasm, which certainly are keys to his success as a legislator.

Mike, we wish you the best. We wish you every good thing that you can do in Allegheny County. We are certainly going to miss your leadership and energy here in Harrisburg, and the State Capitol's loss is certainly Allegheny County's gain, and we all wish you well.

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

Senator BODACK. Mr. President, I would just like to echo the sentiments as spoken by our esteemed Majority Leader, the gentleman from Delaware, Senator Loeper. Mike, it has been a pleasure for us to have had you in the Senate. You have always been a worthy opponent. You have always been out there for your people, the people of Allegheny County.

I think that if the Members of this body are not aware, your vote total in the recent commissioner's election attests to your ability to serve people, especially of Allegheny County, by having led the ticket, and for probably the first time in the history of Allegheny County as the leading vote getter, getting the most votes, you will find yourself in a minority position on the board of county commissioners. I think that is certainly a testimony to your abilities.

You have been a very good legislator, you have been a formidable Senator, you have been in those lead positions where necessary, and you have done an excellent job. I compliment you on your victory today on Senate Bill No. 2. I do not happen to agree with it, but you and I have disagreed before and we have managed to get together and work and that is no problem. I certainly hope that that is a big one for you, leaving this body, because it is sure nice to go out on a win.

But, Mike, on this side of the aisle we enjoyed working with you and we have appreciated your camaraderie and your loyalty, and what else can I say but good luck and Godspeed, and we will certainly be here to help you as the minority commissioner.

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

Senator PETERSON. Mr. President, I rise today to say goodbye to a good friend, Commish. I guess I was the first one to call him "Commish" here many months ago, long before he was elected, but I knew he would be there. And to say that

when I came to this Senate, Senator Dawida and I had been friends in the House, not to the same extent we had been in the Senate, but I guess I would have never thought that I being the most rural legislator in Pennsylvania and having the most sparse population would develop such a close working relationship and friendship with one of the most urban legislators in Pennsylvania representing one of the most densely populated parts of Allegheny County, Pittsburgh.

But I want to say that it was not only the Clean Indoor Air Act, it was many issues. Although I being very rural and him being very urban, we found common ground, and I guess the part of Mike Dawida that I have learned to respect the most is that the issues that made a difference with people were very important to him, no matter who was pushing them, whether it was a Republican bill or a Democrat bill. If it was an issue that he really believed in that could positively impact the people whom he represented and people in Pennsylvania as a whole, he was at the table contributing, his staff was there working, and it never seemed to matter very much whether his side was in charge or we were in charge as to how hard he worked on an issue, and I want to commend him for that.

He may go to work next month in Allegheny County as a minority commissioner, but Mike Dawida has made a positive impact in Pennsylvania government in this Senate when he was in both the Minority and the Majority. And though he is a minority commissioner for the moment, he will make a very positive impact in Allegheny County, I have no doubt about it, because he is a person of principle, he is a person who is dedicated to what he believes, and he is just one of the good guys in the Pennsylvania Senate. It has been a pleasure working with you, Commish. We wish you the very best.

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

Senator HART. Mr. President, it is with mixed emotions that I rise today to wish good luck to Commissioner Dawida. I say with mixed emotions because I am sorry to see him leave this body. When I was a freshman Senator, not that long ago, and was presented by my leadership with the opportunity to chair a committee, one of the reasons I wanted to serve as chairman of the Committee on Finance is because I knew I would be able to work with Mike Dawida. I worked with Mike on some other issues, and he had been able to avoid a lot of the partisan conflict that we face a little too much here, and I appreciated that. I also knew that he had a passion to help the people, the people of our county, Allegheny, and the people all across the Commonwealth, to try to deal more simply and more reasonably with their local governments, and I knew he was an advocate of tax reform, as was I. So it was not very difficult for me to serve as Minority chairman to his Majority chairman, and I hope he did not find it too difficult to serve as Minority chairman to my Majority chairman. I believe that we have accomplished a lot with today's passage of tax reform, but I also agree we have accomplished a lot of other things, things that Mike Dawida may have been the lead on and things that Mike Dawida was very likely supportive of.

Before I came here I remember hearing in Allegheny County about a gentleman who repeatedly won by challenging the

status quo. He was always the underdog, but he always ran and won, and the reason that he always won was because he was always supportive of the people. He was not supportive of big government, of government making deals, he was supportive of the people. I believe that that is what Mike stands for and I believe that he will continue to stand for that as an Allegheny County commissioner.

I wish him luck, though, in his newest challenge, because he may not be thinking about it right now, but he is gaining some very tough constituents in Senator Belan, Senator Bodack, Senator Wagner, Senator Fisher, and me, and I think all of us together wish him good luck in serving us. Good luck, Mike.

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

Senator BELL. Mr. President, I will give some elderly advice. All of you are wrong. You said, farewell, goodbye. You should have said, au revoir. I predict we are going to see you again, and when you run for Governor, Mike, pull out the Journal from today and use it as your resume.

The PRESIDENT pro tempore. The Chair would like to exercise a prerogative and make a few remarks. I am told that it is not against the Senate rules, perhaps not traditional, but this Chair is going to exercise that prerogative just the same.

I, too, join with my colleagues in wishing the distinguished Senator from Allegheny County the very best, that which he deserves. When you come here you get to meet all kinds of people, and, frankly, when you leave here it does not matter which side of the aisle they sat on, you remember them for the kind of person they were. I will always know Mike Dawida to be one of the most honest individuals I have ever encountered. I remember him as someone who was told he could not win elections, but somehow he was able to unseat a bunch of incumbents throughout his career. Certainly, the battle with Senator Romanelli for the Senate seat and winning the primary in the county commissioners' race against the endorsed candidates are remarkable political achievements for a quiet man, for a man who does not have to scream loud or become very personal or become passionate but, rather, just make his case to the people. Mike Dawida has managed to do that and the people have always recognized his talents and his abilities and his independence, because he has always exhibited his willingness to stand up for issues that were very near and dear to his heart, and he used the power of his office for good, and I think, without question, that has been recognized not only here but at home as well. He is truly what I would call an effective lawmaker.

Having said all that, he probably got my attention more than anybody else when he came into my district in Breezewood, Pennsylvania, after having been in an accident sometime before and decided that Breezewood should have an exit off of Interstate 70, and that certainly got my attention as about 300 or 400 jobs were at stake. I guess I used Mike Dawida as a whipping boy at that time, and I said go fix up the Squirrel Hill Tunnel and we will talk about Breezewood, and he did me the biggest favor in the world because we got PennDOT to totally

reconfigure it, and it is certainly a very good place to go now. We held a joint news conference out there and certainly it worked out very well. And I use that as an illustration to show you that he certainly has a sense of independence, certainly a sense of doing what is right and would never waver from his convictions. As he moves into his new position, I trust he will continue that kind of commitment and that kind of honesty and integrity that he has brought to every other part of his life.

And to you, my friend, I wish you well. I know that we will have many opportunities to meet and work together again. I know that this is a new challenge, but I am sure your wife and children are delighted to have you back home. And for that, I say, well done. Thanks for the memories.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Afflerbach. His legislative leave is cancelled.

Senator Belan is also on the floor, and his temporary Capitol leave is cancelled.

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1165 (Pr. No. 1361)** – The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 20, 1974 (P. L. 564, No. 193), entitled "Peer Review Protection Act," extending the protection given by the act to review committees of associations of veterinarians; and redefining "professional health care providers" to include veterinarians.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator TOMLINSON. Mr. President, this legislation will amend the Peer Review Protection Act by extending the protection given by the act to veterinarians. Previously, there was not a mechanism in place which would afford veterinarians an opportunity to evaluate the quality and efficiency of their peers. If they questioned the practice of their peers, their only recourse was to go directly to their State board. All other health care providers have provisions for peer review. This legislation will allow the veterinarian professionals to police its own industry without fear of repercussions.

Veterinarian professionals would be evaluated by licensed doctors of veterinary medicine with the standards set by the Veterinarian Association. This bill ultimately will be a great benefit to those who use veterinarian services.

I urge your support of the bill.

And the question recurring,  
Shall the bill pass finally?

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

**YEAS—48**

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

**NAYS—0**

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1298 (Pr. No. 1553)** – The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil penalties for actions related to hearing or service dogs or dog guides for individuals who are blind, deaf, auditorily impaired or physically limited.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEAS—48**

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

**NAYS—0**

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

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

**SB 1313 (Pr. No. 1638)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault on emergency medical health care workers.

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

On the question,  
Shall the bill pass finally?

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

**YEAS—48**

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

**NAYS—0**

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

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

**BILLS OVER IN ORDER**

**HB 2009 and HB 2079** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**EXECUTIVE NOMINATIONS**

*EXECUTIVE SESSION*

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

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE AGRICULTURAL LANDS  
CONDEMNATION APPROVAL BOARD**

November 6, 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, Norman L. Morrison, 90 Mortimer Road, Transfer 16154, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years and until his successor is appointed and qualified, vice R. Edwin Nehrig, Homer City, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF EMBREEVILLE CENTER**

November 8, 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, John A. Haiko, 1350 Telegraph Road, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Susan C. Maxfield, Oxford, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY**

November 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, Charles P. Harvey, II, P. O. Box 346, Saint Marys 15857, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Thomas P. Gordon, Pittsburgh, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE INDUSTRIAL BOARD**

November 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, Joseph A. Bush, Jr., 334 Middle Road, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Industrial Board, to serve until the

third Tuesday of January 1999 and until his successor is appointed and qualified, vice Barry J. Buskey, Harrisburg, whose term expired.

THOMAS J. RIDGE  
Governor

MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD

November 8, 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, Brigadier General William B. Lynch, 746 State Rt. 30, Clinton 15026, Beaver County, Forty-sixth Senatorial District, for appointment as Major General, Pennsylvania Air National Guard, as Commander of Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE  
Governor

BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD

November 8, 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, Colonel Frank A. Mitolo, 807 Pine Street, Ambridge 15003-1734, Beaver County, Forty-seventh Senatorial District, for appointment as Brigadier General, Pennsylvania Air National Guard, with assignment as Air National Guard Assistant to the Chief of Chaplains, to serve until terminated.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

November 8, 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, Frances V. Pierce, 1209 Locust Street, Norristown 19401, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

November 8, 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, Sally S. Thomas, 325 East Church Road, Telford 18969, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Board of

Trustees of Norristown State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF PARDONS

November 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Gigliotti, 130 West McQuiston Road, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 1999, and until his successor is appointed and qualified, vice Thomas G. Frame, West Chester, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

November 8, 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 M. Winkler, R. D. 1, Box 384, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS

November 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, William P. Wentz, Jr., 128 Highland Avenue, Lansdale 19446, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bernard Camins, Philadelphia, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF THADDEUS STEVENS STATE SCHOOL  
OF TECHNOLOGY

October 18, 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, Gervase G. Schmitt, 2821 Old Tree Drive, Lancaster 17603, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Frederick H. Light, Conestoga, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL

November 8, 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, Martha E. Pfusch, 215 South Center Street, Corry 16407, Erie County, Twenty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL

November 8, 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, Joann G. Zartman, 239 East Logan Avenue, DuBois 15801, Clearfield County, Twenty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER

November 8, 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, Daniel A. Torisky, 738 Greenleaf Drive, Monroeville 15146, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER

November 8, 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, Angela Zondos, Ed.D., 233 Union Street, California 15419, Washington County, Thirty-second Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

November 8, 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, James W. Burke, Jr., R. R. 2, Box 244, Sugarloaf 18249, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

November 6, 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, Murray Holdren (Republican), 601 Old Berwick Road, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, vice Anne K. Wilson, Ph.D., Bloomsburg, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

November 6, 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, Lee R. Milroy (Republican), P. O. Box 9, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1996, and until his successor is appointed and qualified, vice Ralph J. Palmiero, Bloomsburg, whose term expired.

THOMAS J. RIDGE  
Governor



**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

November 6, 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, Ronald L. Chamberlin (Republican), R. R. #2, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, vice Michael S. Repella, Elysburg, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

November 6, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert E. Milbrand (Republican), 169 North Grant Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, vice Louise L. Hubler, Shamokin, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE**

November 6, 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, Bertha W. Janeski (Democrat), R. R. 1, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1996, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE**

November 6, 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, Angelo Serva (Republican), 17 Conway Street, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1997, and until his succes

sor is appointed and qualified, vice Marion L. Webb, Wellsboro, whose term expired.

THOMAS J. RIDGE  
Governor

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

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

**YEAS—48**

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

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.  
Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I call from the table the nomination of Peter Kramer as a member of the Unemployment Compensation Board of Review and ask that it be considered at this time.

The Clerk read the nomination as follows:

**MEMBER OF THE UNEMPLOYMENT  
COMPENSATION BOARD OF REVIEW**

October 24, 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 Kramer, 686 St. Johns Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2001 and until his successor is appointed and qualified, vice Thomas Lee Simon, Perryopolis, whose term expired.

THOMAS J. RIDGE  
Governor

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

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

Senator KASUNIC. Mr. President, I rise today not to question the qualifications or the capabilities of Mr. Peter Kramer to serve and to serve admirably on the Unemployment Com-

pensation Board of Review. I might add that those sentiments hold true for my friend and constituent, Thomas Lee Simon of Perryopolis, who has served with honor and distinction during his tenure on the board. My personal feeling is that Tom Simon earned and deserved the right to be renominated for this position, but this is just not to be, Mr. President.

The nomination of Peter Kramer, however, which has been predestined to pass, calls into question the matter of balance between business and labor on this very important board. There is concern that this nominee skews, in favor of the business community, the traditional balance with which this board has been composed, and I wanted to make that fact a matter of record here today.

Thank you, Mr. President. I would urge a "no" vote.

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

Senator BELL. Mr. President, I, likewise, do not question the abilities of the nominee, Mr. Kramer, undoubtedly a very fine person. In fact, I said he ought to be put on a staff. But the gentleman being replaced, Thomas Lee Simon, has been the spokesman for the working people on this board, and it is time that we all, both parties, recognize that working people should have representation on a board like this. And I urge those who agree with me that the working people of Pennsylvania should have a voice today to vote "no" on this nomination.

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

Senator MOWERY. Mr. President, not having known the person who has been referred to by the previous two speakers, I do not question his ability, and I am sure he has done a fine job. I think that this administration should have the opportunity to name someone of their choice to this board. I have known Mr. Kramer almost his entire life since his family lived in my residential area and my son had the privilege of going through high school with Mr. Kramer. Mr. Kramer went on to Duke University and was a star basketball player there. He is a man with many talents, a man who is a graduate of Dickinson College, a person who has had a private practice in addition to the areas of specialty insurance and many other areas relating to the practice of law, and he is a past Deputy Attorney General of the Commonwealth of Pennsylvania. I cannot speak highly enough of his qualifications. I am sure that Mr. Kramer will certainly be fair, as I think anyone who is appointed to a board of this type would be expected to be, and I highly recommend him for the board for which he has been nominated. On that basis, I would like to ask for a very positive vote on his behalf, and I am sure that he will serve the public, both the working man as well as the business community, equally well.

Thank you.

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

Senator ARMSTRONG. Mr. President, I want to echo the remarks of the gentleman from Cumberland, Senator Mowery, and Senator Mowery did testify in our committee, the Committee on Labor and Industry, about Mr. Kramer's qualifications. I must say I was very much impressed with this individual. We

reviewed him. We found him to be excellent for this replacement. He is qualified. He is hardworking, he is dedicated, and I think he is going to be an excellent addition to this board.

Thank you, Mr. President.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

#### YEAS—28

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

#### NAYS—20

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

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

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

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

The motion was agreed to.

#### ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, for the information of the Members, once we finish the Second Consideration Calendar, there is a necessity for a meeting of the Committee on Rules and Executive Nominations, and I anticipate still two Supplemental Calendars to do and two final votes yet today.

#### CONSIDERATION OF CALENDAR RESUMED

##### SECOND CONSIDERATION CALENDAR

##### BILL LAID ON THE TABLE

SB 131 (Pr. No. 132) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for lobbying expenses.

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

**BILL ON SECOND CONSIDERATION**

**SB 150 (Pr. No. 151)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

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

**BILL LAID ON THE TABLE**

**HB 416 (Pr. No. 2776)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for the supervision of shops.

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

**BILL OVER IN ORDER**

**SB 1083** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL LAID ON THE TABLE**

**HB 1130 (Pr. No. 2805)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for emergency powers of the mayor or chief executive, for sales of personal property, for regulations concerning contracts and for limited vested pension benefits.

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

**BILL REREFERRED**

**HB 1524 (Pr. No. 2724)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for council membership and powers and duties, for the foundation and for awards; and authorizing funding by the Commonwealth.

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

**BILL OVER IN ORDER**

**SB 2066** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider Senate Bill No. 652, House Bill No. 1238, and certain nominations.

**CONSIDERATION OF CALENDAR RESUMED**

**HB 569 CALLED UP**

**HB 569 (Pr. No. 2466)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

**BILL OVER IN ORDER**

**HB 569** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 638 (Pr. No. 1639)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), entitled "Storage Tank and Spill Prevention Act," further providing for definitions, for aboveground storage tank requirements and for suits to abate nuisances and restrain violations.

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

On the question,  
Shall the bill pass finally?

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

**YEAS—48**

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

**NAYS—0**

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

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

### RECESS

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

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

The PRESIDENT pro tempore. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

### AFTER RECESS

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

### REPORT FROM COMMITTEE

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

#### HB 1238 (Pr. No. 2901) (Rereported) (Concurrence)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, amending and adding certain definitions; amending and adding provisions regarding the annual compensation limit and other matters under the Internal Revenue Code of 1986 applicable to the system which affect member and school employer contributions to the Public School Employees' Retirement Fund and the State Employees' Retirement Fund; revising provisions relating to annuitants of the Public School Employees' Retirement System or the State Employees' Retirement System who return to school service or State service; making conforming amendments; providing for other purposes; and making a repeal.

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

HB 1238 (Pr. No. 2901) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, amending and adding certain definitions; amending and adding provisions regarding the annual compensation limit and other matters under the Internal Revenue Code of 1986 applicable to the system which affect member and school employer contributions to the Public School Employees' Retirement Fund and the State Employees' Retirement Fund; revising provisions relating to annuitants of the Public School Employees' Retirement System or the State Employees' Retirement System who return to school service or State service; making conforming amendments; providing for other purposes; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1238?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1238.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—48

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

#### NAYS—0

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

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

### UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Albert F. Duval and to Charles H. Bracken by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Cleason Shaul and to Mr. and Mrs. Clyde J. Wiggins by Senator Armstrong.

Congratulations of the Senate were extended to Keith I. Allen by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Ben Goldwasser and to Mr. and Mrs. Walter Rozycki by Senator Bodack.

Congratulations of the Senate were extended to Laura Hoch and to Howard Klick by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. John G. Craig, Jr., and to the 1995 Penn Hills Football Team of Pittsburgh by Senator Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Leppo by Senator Delp.

Congratulations of the Senate were extended to Robert W. Bogle by Senator Fumo.

Congratulations of the Senate were extended to Sharon Lee Glassman, Timothy Madden and to Robert Torpey by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Pasquale Blasetti and to George M. Metzger by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Kemmerly, Mr. and Mrs. Elmer Roesch, Mr. and Mrs. James Tedesco, Mr. and Mrs. Frank Morrone, Mr. and Mrs. George H. Fox, Mr. and Mrs. Pat Mangone, Joshua Adam Bleil and to Stephen Bradley McWilliams by Senator Hart.

Congratulations of the Senate were extended to Benjamin Edward Henty, Michael A. Keller, James Wesley Larson and to Michael Walter Lewis by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. Leo Alexander, Mr. and Mrs. Norval Covany, Mr. and Mrs. Calvin L. Derck, Sr., Mr. and Mrs. Jack S. Kressler, Mr. and Mrs. Robert N. Reichenbach, Mr. and Mrs. E. Delrue Schnure, Jr., Mr. and Mrs. Robert O. Walter and to Mr. and Mrs. Carl E. Cameron by Senator Helfrick.

Congratulations of the Senate were extended to Harry F. Crossgrove, Wayne Helman, Alexander E. Vasold, Michael William McCarraher, Robert D. Scott, Steven Douglass Norman and to Timothy Ziembecki by Senator Holl.

Congratulations of the Senate were extended to Ethel Kelly by Senator Jubelirer.

Congratulations of the Senate were extended to Jenet Bitner and to Arnold D. Fike by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Bidwell, Mr. and Mrs. Harry Palmatier, Mr. and Mrs. Russell L. Andress, Mr. and Mrs. Harry Keeney, Reverend and Mrs. George B. Pickett, Florence K. Bennett, Scott Townsend and to Marian Benning by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. John F. Gail, W.T. Stille and to Shane Laird by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Earl C. Cupp, Mr. and Mrs. Horace C. Edgar, Jr., Mr. and Mrs. Richard A. Rook and to Mary Adam by Senator Madigan.

Congratulations of the Senate were extended to His Eminence John Cardinal O'Connor by Senator Mellow.

Congratulations of the Senate were extended to G. Homer Bashore, Oley Valley High School Boys Soccer Team and to the Oley Valley High School Girls Field Hockey Team by Senator O'Pake.

Congratulations of the Senate were extended to Laura Moore by Senator Peterson.

Congratulations of the Senate were extended to Chief Gary Gingrich by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Jim Payne, Mr. and Mrs. Albert Rush and to Mary M. Bender by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. E. Chester Heim by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Jerome Katner, Mr. and Mrs. Peter J. Delich, Sr., Mr. and Mrs. Louis Cooper, Mr. and Mrs. Ted Williams, Dean D.W. DeLong, Florence Buck and to Della Stolpe by Senator Rhoades.

Congratulations of the Senate were extended to Kathryn Wykoff by Senator Robbins.

Congratulations of the Senate were extended to Edith I. Marsch by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene McGearly, Mr. and Mrs. Norman Hetrick and to Mr. and Mrs. Nicholas Tullai by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Sprowls, Mr. and Mrs. Nicholas Mayernick, Mr. and Mrs. Tom Sloboda, Anna Dubnansky, the Honorable John F. Bell, Boyd Crumrine and to The Church In The Round of Aliquippa by Senator Stout.

Congratulations of the Senate were extended to Abraham Gootman by Senator Tartaglione.

Congratulations of the Senate were extended to Frances E. DiFronzo, Robert E. Lambert and to Chief John C. Stillwell by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Troyan and to Libby Newman by Senator Tilghman.

Congratulations of the Senate were extended to George M. Metzger by Senators Tomlinson and Heckler.

Congratulations of the Senate were extended to the Pennsylvania Steel Technologies Aqueous Parts Cleaning Team by Senator Uliana.

## CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Morris Gerber by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Dorothy Mae Duster and to the family of the late John L. Austin by Senator Hart.

Condolences of the Senate were extended to the family of the late Ruth Clark Weaver by Senator Stout.

## HOUSE MESSAGE

### HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House for concurrence, **House Concurrent Resolution No. 167**, entitled:

A Concurrent Resolution encouraging and supporting full participation by Taiwan, the Republic of China, in the United Nations.

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

On the question,

Will the Senate concur in the resolution?

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 167.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

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

### PETITIONS AND REMONSTRANCES

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

Senator BODACK. Mr. President, I will be brief. I recognize the importance of the phone call that you are waiting to receive, and I certainly would not want to hold you up.

Mr. President, once again today I got an education. I thought my educational years were over, but after 17 years in this Senate and the General Assembly, I should have known better. I should know that there are still lessons to be learned. I received another one today. I will do the utmost in my power to not have it occur in the future.

However, we passed a golden opportunity. We spent at least the last 2 days entertaining amendments to a bill, Senate Bill No. 2, which purportedly would be some sort of tax relief for the residents of this Commonwealth. Mr. President, we had the opportunity during those talks to grant relief to the residents of Allegheny County from the income tax provision as presented by the gentleman from Allegheny, Senator Fisher, in his amendment, and, of course, that failed. And now we are back on the subject of the Allegheny County residents and what occurred, the lesson that I referred to is my having gone to the Committee on Rules and Executive Nominations with the express intention of having the opportunity to vote to bring out to the floor Senate Bill No. 652. Now, Senate Bill No. 652 was amended by the House of Representatives. It was sent back to us here in the Senate yesterday. It was to come out to deal with the immediate problem that we have in Allegheny County. That problem, very simply, is centered in the controversy of a tax cut for the residents of Allegheny County.

During the past election, the county commissioner candidates who were successful in that race promised to the residents of Allegheny County tax relief, real estate tax relief, to the tune of 20 percent immediately upon their being sworn in as county commissioners. Now, I would not like to think that that was political because, of course, one of the successful county commissioners, who I assume would go into the majority, has been there for at least 7 years and knows full well the problems of Allegheny County, knows the taxing structure, knows what it takes and does not take to get a budget open after it has been approved by the outgoing county commissioners.

The bill, Senate Bill No. 652 as amended in the House, dealt with that very subject. Because of the controversy, Allegheny County is the only county — all third class counties and other counties in the Commonwealth, other than the second class Allegheny County, are permitted to reopen their budgets after a budget hearing, especially when there are new commissioners who come in with the new administration. Not so in counties of the second class. It is absolutely prohibited by law to reopen that budget once it has been established at the commission meeting. The commissioners have the balance of this

year, which is some few days, in order to act on the budget for 1996, and I think it is a shame that the residents of Allegheny County do not have the full opportunity to have the incoming commissioners do more work on the budget than is apparently going to be allowed by the outgoing commissioners. The cost of that fiasco, Mr. President, would be, as I stated earlier, a minimum of a 20-percent tax decrease in the real estate taxes on the county residents.

Now, Mr. President, I have been told by the Local Government Commission that the people in Allegheny County who are opposing the reopening of the budget are exactly correct, that the budget cannot be reopened after January 1 when the new commissioners take office. I know that there are people on the other side, attorneys who say, yes, it can be opened. That is the reason, Mr. President, that we have courts in this Commonwealth and in this great country, because when disputes like this arise, one side says you can and the other side says you cannot. In any event, there is a tremendous expense that could be involved here for the residents of Allegheny County to argue this point, however moot it may appear.

Mr. President, without the passage of Senate Bill No. 652, as sure as I am standing here and the other Members remaining on the floor of this Senate, there will be a court challenge to the reopening of the budget for Allegheny County. Now, during this campaign the Republican county commissioners made it appear that the Republicans have a lock on reducing taxes. Kind of like the thing we saw here today with Senate Bill No. 2. That is not true. We are all interested in lowering taxes; otherwise, we should not be in these positions. We are not here to tax and spend for our residents, but I think what we have shown is, not only as I pointed out that Senate Bill No. 2 is a sham and a scam, that we have the identical situation with Senate Bill No. 652, the Majority paying lip service to the fact that we will take Senate Bill No. 652, put it into the Committee on Rules and Executive Nominations, bring it out today and we certainly will have our say on acting on Senate Bill No. 652 before the end of this year, which to us in the Senate on a legislative basis is today, right now, as we speak, unless there is something extremely unforeseen that happens.

Now, Mr. President, I feel, as most legislators and Senators in the General Assembly feel, that the newly-elected board of commissioners in promising that immediate 20-percent property tax cut should be allowed, should be permitted to keep that promise. After all, promises are what the public lives on by us politicians. And I think that our citizens deserve no less than that which they were promised. The promise of the immediate property tax relief for Allegheny County citizens should not be held hostage to an unnecessary and wasteful taxpayer-financed court challenge, as was pointed out here today.

Now, I can see the gentleman from Allegheny, Senator Fisher, over there waiting to dispute this, that it is permissible to reopen this budgetary proceeding. I would think that Senator Fisher, you know, in going along with trying to get Senate Bill No. 2 approved here and showing that he is concerned about the taxes his residents pay, should be equally concerned. If he was concerned yesterday to offer an amendment to relieve the county residents of an income tax provision in Senate Bill No.

2, which we unanimously agreed to over here, then I believe that he should be willing to stand up and fight for the county commissioners to have the opportunity to reopen this budget through the actions that would take place through Senate Bill No. 652 as amended.

I guess that is not going to be. I guess we are going to go along with the Christmas turkey that has been promised to us by, I guess now, our county commissioners. I sent them a fax this morning asking them to contact the two Republican Senators from Allegheny County, Senator Hart and Senator Fisher, and to use whatever persuasive influence they have to have them bring this bill out and vote for it and seek support for it, and, of course, that is not to come. So lacking any action on Senate Bill No. 652, or some other method by which the residents of Allegheny County do have the opportunity to experience a 20-percent tax reduction in their real estate taxes, I would have to say that once again it is April Fool's Day for the residents of Allegheny County.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I have listened to the gentleman's response as far as the bill was concerned. However, I think, Mr. President, it is important to note that the gentleman's remarks were cast in the context of a budget in Allegheny County. I think it has to be pointed out, Mr. President, that this bill just passed the House last night. It was significantly amended by the House to include a variety of new provisions that require further study and review prior to bringing the bill before the full Senate for consideration. I think as far as the one issue that Senator Bodack addressed, the budget issue in Allegheny County, there certainly is no impediment to Allegheny County pursuing fiscal prudence immediately under existing statutes that are in place.

I would point out, however, Mr. President, that one of the other provisions of the bill actually deals with changing the retirement age of a group of employees and actually had an actuarial note attached to that particular section of the bill that was completed by the Pennsylvania Employees Retirement Study Commission. And that actuarial note points out some significant policy considerations that should be deliberated before we would bring the bill before the full Senate for its consideration.

Therefore, Mr. President, I believe that the action that has been taken here today is in the best interest of the citizens, not only of Allegheny County but of all Pennsylvania.

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

Senator FISHER. Mr. President, I would like to just respond briefly to the comments made by Senator Bodack.

Mr. President, November 6, I believe, was the date the people in Allegheny County spoke and elected, for the first time in six decades, two Republican county commissioners to lead Allegheny County. One of the key planks in the platform that they ran on was that on January 2 they were going to reduce property taxes in Allegheny County by 20 percent, and I have been assured by Commissioner Dunn and Bob Cranmer,

his running mate and his co-commissioner as of the beginning of the year, that that will be one of their first actions. They are going to take action to reduce property taxes by 20 percent, and in order to do that they will obviously open up the budget and reduce spending by a like sum.

Now, of course, there are a couple of things that can be done. The Democrats still run Allegheny County until January 2. In fact, the budget for 1996 will not be adopted until, I think, later this month. Now, it would be very easy for the Democrats to reduce spending even if they do not want to reduce taxes, to reduce spending in that budget. I suspect that will not happen. But in fact, I am comfortable, as are the Republican commissioners-elect, that the Second Class County Code has no impediment in it to them reducing taxes as they said they will do, and as they will do, and opening the budget.

In fact, Mr. President, I have an opinion in front of me, an opinion that was drafted for the transition team of Commissioner Dunn and Bob Cranmer on December 6, 1995, by the Pittsburgh law firm of Thorpe, Reed, and Armstrong, a law firm of significant prestige in Pennsylvania, and I will just read the conclusion. I do not want to belabor the Senate with the entire opinion, but the conclusion basically says that the absence of specific provision in the Second Class County Code which authorizes the new board to amend the budget approved by the old board does not necessarily lead to the conclusion that the new board cannot amend the budget. And they cite that as in the case of *Golumbeski*, which is a case decided by the Commonwealth Court in 1982, the courts have implied the power to amend the budget of a local government entity, notwithstanding the fact that the power was not expressly granted.

Mr. President, I do not know what the problem is. If somebody in Allegheny County, if some member of the Democratic Party, unfortunately it was a Democratic controller and the Democratic solicitor who said that they could not do it, if they feel that there is going to be a court challenge and they are going to bring a court challenge, so be it. I am sure that this will not be the only court challenge brought in Allegheny County over the next 4 years, but I do know that the Republican Commissioners in Allegheny County, notwithstanding the consideration of the passage of Senate Bill No. 652, intend to reduce taxes on January 2.

Mr. President, the issue is not the merits of the bill, the issue was, I think, as the gentleman from Delaware, Senator Loeper, ably stated, there were other provisions put in the bill. I believe that Senator Loeper and others deserve the time to assess those provisions, the cost impact, and I am sure that this matter will be resolved. But I can assure you taxes are going to be reduced on January 2.

Thank you, Mr. President.

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

Senator HART. Mr. President, I also rise on the issue of Senate Bill No. 652, but not because of the content of the bill but because of the amendments that were placed in it by the House. As a Senator representing Allegheny County, I found it very interesting that one of the amendments that was inserted was allegedly to make sure that the new county commissioners



will be able to reduce taxes, yet another provision in the bill, after an actuarial study, shows us that it may require them to increase them again, require a very large expenditure, some \$324,000 of the taxpayers' money without any study, to allow people to retire 5 years earlier who served in the sheriff's office in that county.

Mr. President, I believe that this is not the way this body is to operate. I believe that we need to consider this bill. We need to consider it and make sure that the impact is not going to be a negative one or simply a shift when the county commissioners reduce taxes for a year or two and then the tax increases again as the actuarial studies shows the taxpayers' burden would be increased by this particular provision.

Therefore, Mr. President, I think the gentleman, Senator Bodack, who is concerned with our delay of this bill, should really be comforted by the fact that we are looking out again for the taxpayers in Allegheny County.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, if I may. I find myself being confronted in my own body and spirit with a range of emotions here. I find myself being appalled at some of the comments. I find myself being astounded by some of the comments. The appalling part of it is I just listened to the Majority Leader state that he had done everything to try to have this bill come out of committee.

Mr. President, I saw a very, very regressive action here today. It seems to me that we came through some very difficult times in this Senate, especially in the past year where there were constant references made to people keeping their word or not keeping their word. I thought there was a moratorium on this kind of activity, and this morning I signed a Sunshine provision for a meeting to be held off the floor by the Committee on Rules and Executive Nominations, at which time there was a guarantee that there would be action taken in the Committee on Rules and Executive Nominations on Senate Bill No. 652. When I called that to attention in the Committee on Rules and Executive Nominations meeting that we were supposed to deal with this bill, I was stifled. The meeting was hurriedly called to a halt and here we find ourselves in a position of, once again, a failed trust.

Mr. President, I listened to the gentleman from Allegheny, Senator Fisher, and I am surprised. I am really amazed at how the gentleman can stand there and justify his position that he is opposed to an immediate 20-percent real estate tax reduction for Allegheny County residents and, at the same time, he spends his time on the floor working for passage of Senate Bill No. 2, as did the previous speaker, and hide behind the fact that they are looking for tax reductions for the residents of their counties, yet they are stifling every attempt that is made to bring this to a successful conclusion without further costs to the residents of Allegheny County. I am told by the Majority Leader, Mr. President, that it is much too fast to bring this thing out today through the Committee on Rules and Executive Nominations. But it was not too fast to bring out an Envirotest bill that grants \$140 million, which no Member in this body

knew anything about, in one day's time. We have a provision that includes the residents of my county that we get stifled on because it is moving too swiftly. We have an assurance through Legislative Reference that the costs that are associated with the amendment, and I am aware of only one amendment in Senate Bill No. 652, is negative as far as any costs are concerned. If there are costs, they are extremely minor that deal with just a portion of a monthly stipend to the recipients of the pensions.

Now, Mr. President, I sat here for a couple of days watching the plans that were masterminded on the other side of the aisle to do those things political that were necessary to pass Senate Bill No. 2. We got Senate Bill No. 2 passed in this body on a promise, a promise of tax reduction or tax relief for many of the citizens, tax reform for the Commonwealth of Pennsylvania, and I am wondering, Mr. President, as I stated in my earlier talks, I am wondering what they are going to do and what they are going to say when it comes time to live up to that promise when the residents of this Commonwealth get gouged by Senate Bill No. 2 in the overpayment of taxes compared to what they are paying today.

Mr. President, it makes no sense to me. It makes no sense how the author of Senate Bill No. 2, Senator Hart, the gentleman from Allegheny County, how she can one day talk about Senate Bill No. 2 and saving people money and taxes, and yet refuses and stifles a vote on a bill that has been promised by the chief executives of the incoming administration of Allegheny County for an immediate 20-percent real estate tax relief and, at the same time, telling us how urgent it is to shift taxes in some form of tax reform in Senate Bill No. 2.

I do not know, Mr. President. I do not know what the members of the media are going to report on this thing. I have seen a lot of talk on this floor that merited repeating in the newspapers. I did not see much newsprint expended on it. I am just wondering what we are going to do this time. And as I say that, I see the members of the press leaving. So, I guess, here we go. It is all over again, politics as usual, and the Republicans in the Majority will have their way while we in the Minority have our say.

Mr. President, I do not think there is anymore to be said on this issue. I think it speaks very clearly for itself as to who is in favor of tax reduction and who is in favor of holding the line on taxes.

Thank you.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1582** and **HB 2189**.

### BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:  
**HB 1582, HB 2189 and HB 2222.**

**RECESS**

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

Senator LOEPER. Mr. President, at this time I ask that the Senate recess to the call of the Chair. We anticipate that there should be some bills coming across from the House that may need to be signed here in the Senate. Therefore, I would ask that we stand in recess. There will be no more votes taken today, no additional legislation considered, and I would remind the Members who may be listening in their offices that we will reconvene at 11:45 a.m. on January 2, 1996, and no votes are anticipated that day either, other than reorganization.

The PRESIDENT pro tempore. I was glad that Senator Loeper amended that, hopefully on a voice vote.

For the purpose of waiting for the House of Representatives and for papers to come from the House of Representatives, the Senate will stand in recess.

**AFTER RECESS**

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

**HOUSE MESSAGES****HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 476 and SB 578.

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate SB 1303, with the information the House has passed the same without amendments.

**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 602.

**HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO 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 House amendments to Senate amendments to HB 215.

**BILLS SIGNED**

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

SB 476, SB 578, SB 1303, HB 215, HB 602 and HB 1238.

**RECESS**

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

Senator LOEPER. Mr. President, at this time I ask that the Senate recess to the call of the President pro tempore.

The PRESIDENT pro tempore. The Senate will recess to the call of the President pro tempore.

**AFTER RECESS**

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

**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 48.

**BILL SIGNED**

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

HB 48.

**RECESS**

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

Senator ROBBINS. Mr. President, at this time I ask that the Senate recess to the call of the President pro tempore.

The PRESIDENT. The Senate will recess to the call of the President pro tempore.

**AFTER RECESS**

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

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, January 2, 1996, at 11:45 a.m., Eastern Standard Time.

The motion was agreed to.

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