

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 5, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 26

SENATE

WEDNESDAY, May 5, 1993

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

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

PRAYER

The Chaplain, Evangelist DAVID PROVANCE, of Central Christian Church of Enola, in West Fairview, offered the following prayer:

Let us pray.

Dear Heavenly Father, we just thank You for another day of life and all the great and wonderful blessings which You bestow upon us. We thank You for Your providence and Your hand which deals with our Nation and our government, and we just ask and pray a special blessing upon the Senators and the Governor and those who are here to be able to take care of the business of the State. We would ask and pray that You would give them moral excellence, wisdom, and prudence as they carry out today's agenda, and may things be able to come around to take care of this State properly.

We just ask and pray Your blessing, and we pray these things in Your name. Amen.

The PRESIDENT. The Chair thanks Evangelist Provance, who is the guest this day of Senator Mowery.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 4, 1993.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 719**, with the information the House has passed the same without amendments.

HOUSE BILL FOR CONCURRENCE

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

May 5, 1993

HB 41 -- Committee on Labor and Industry.

GENERAL COMMUNICATION

DEPARTMENT OF AGRICULTURE

ANNUAL REPORT OF THE STATE AGRICULTURAL LAND PRESERVATION BOARD

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE
Office of the Secretary

April 30, 1993

Mr. Mark R. Corrigan
Secretary of the Senate
Room 462, Main Capitol
Harrisburg, PA 17120

Dear Mr. Corrigan:

In accordance with Section 14.4 of Act 149 of 1988 (the Agricultural Area Security Law), the State Agricultural Land Preservation Board submits to the General Assembly an annual report for the period through April 30, 1993.

In just over four years since authorizing legislation became effective, the Farmland Protection Program has permanently preserved 26,941 acres of farmland. The great majority of this land is designated as Class I or II farmland, the best farmland in Pennsylvania.

Act 149 provides for permanent preservation of agricultural land through the purchase of conservation easements from qualifying farmers. Easements can be purchased entirely with Commonwealth funds or with a combination of state and county funds.

Should you have any questions about the data supplied in this report or should you require additional information, please contact my office.

Sincerely,

BOYD E. WOLFF
Secretary

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

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

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

Senator Raphael J. Musto as chairman of the Senate Select Committee on Medical Degree Admission Practices for the Physically Challenged.

BILL SIGNED

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

SB 719.

REPORTS FROM COMMITTEE

Senator STEWART, from the Committee on Community and Economic Development, reported the following bills:

SB 243 (Pr. No. 250)

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), entitled "Pennsylvania Industrial Development Authority Act," providing for job retention projects.

SB 1012 (Pr. No. 1115)

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), entitled, as amended, "Site Development Act," extending the expiration of approval authority.

BILL REREFERRED

Senator STEWART, from the Committee on Community and Economic Development, returned to the Senate **SB 525**, which was rereferred to the Committee on State Government.

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider Senate Bill No. 263, and the Committee on Public Health and Welfare to consider Senate Bill No. 1028 and Senate Bill No. 569.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair would first call upon the gentleman from Fayette, Senator Lincoln, for leaves.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fattah, Senator Lynch, Senator Reibman, and Senator Williams.

The PRESIDENT. And are there requests for leaves on the Minority side? The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, Senator Holl is attending the board meeting of the Council on the Arts in the Forum building. He expects to arrive somewhere between 11 a.m. and

11:15 a.m., and for that reason, I would ask for a temporary Capitol leave for Senator Holl.

The PRESIDENT. Senator Jubelirer asks for a temporary Capitol leave for Senator Holl.

Senator Lincoln asks for temporary Capitol leaves for Senator Fattah, Senator Lynch, Senator Reibman, and Senator Williams.

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

CALENDAR

SB 864 CALLED UP OUT OF ORDER

SB 864 (Pr. No. 942) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LINCOLN, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

SB 864 (Pr. No. 942) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a cause of action for damages resulting from violations of unemployment compensation and workmen's compensation laws by bidders on construction contracts.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, by unanimous consent, offered the following amendment No. A1479:

Amend Sec. 1, page 2, lines 4 and 5, by striking out "the Internal Revenue Code of 1986" in line 4, all of line 5 and inserting: one of the following:

(1) The act of June 2, 1915 (P.L.736, No.338), known as The Pennsylvania Workmen's Compensation Act, if suit is brought under the provisions of that act.

(2) The act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, if suit is brought under the provisions of that act.

On the question,

Will the Senate agree to the amendment?

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

YEAS—49

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

NAYS—0

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

The PRESIDENT. Senate Bill No. 864 will go over in its order, as amended.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lynch, Senator Williams, Senator Reibman, and Senator Holl. Their temporary Capitol leaves will, therefore, be cancelled.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln. What is the pleasure of the gentleman at this point?

Senator LINCOLN. Mr. President, I ask for a recess of the Senate for a brief caucus to be held, and I would ask the Members of the Democratic Caucus to report to the Rules room at the rear of the Chamber.

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

Senator JUBELIRER. Mr. President, I ask that all Members of the Republican Caucus report immediately to the caucus room on the second floor to the rear of the Senate Chamber so that we may begin our caucus immediately and, hopefully, return to the floor shortly.

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

Senator LINCOLN. Mr. President, a slight change. Prior to the caucuses, the Committee on Appropriations has been given permission to hold a committee meeting off the floor and I ask that that meeting be held prior to the caucuses. My understanding is it should be a very brief meeting, and it will take place in the Rules room immediately upon the recess.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, to be followed by Republican and Democratic caucuses, the Senate will stand in brief recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator JUBELIRER. Mr. President, I request a legislative leave for the remainder of today's Session for Senator Peterson, who is addressing a mental health/mental retardation group out of the Capitol today, and a temporary Capitol leave for Senator Shumaker.

The PRESIDENT. Are there further leave requests?

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I request that Senator Fattah be removed from a temporary Capitol leave and placed on a legislative leave. He is meeting with constituents.

The PRESIDENT. Senator Jubelirer asks for a legislative leave for Senator Peterson, and a temporary Capitol leave for Senator Shumaker.

Senator Bodack asks for a legislative leave for Senator Fattah.

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

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I also request a temporary Capitol leave for Senator Fisher.

The PRESIDENT. Senator Jubelirer asks for a temporary Capitol leave for Senator Fisher. That leave will be granted, without objection, as well.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 295 (Pr. No. 1144) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "school bus"; and further providing for definitions, for implements of husbandry, for farm vehicles, for vehicles exempt from registration, for tire equipment and traction surfaces, for inspections, for width of vehicles, for certificate of salvage, for the transportation of school children on certain chartered buses, for use of hearing impairment devices and for the length of projecting loads.

Senator BODACK. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 295.

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

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

YEAS—49

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

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 6 — Without objection, the bill was passed over in its order at the request of Senator BODACK.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 100 (Pr. No. 178) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the management of nutrients on certain agricultural operations to abate nonpoint source pollution, for the certification of nutrient management specialists and for the assessment of other nonpoint sources of nutrient pollution to the waters of this Commonwealth; establishing the Nutrient Management Advisory Board and providing for its powers and duties; establishing the Nutrient Management Fund; and providing for enforcement and penalties.

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—49

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

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.

BILLS OVER IN ORDER

HB 110, HB 111 and SB 293 — Without objection, the bills were passed over in their order at the request of Senator BODACK.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 307 (Pr. No. 1202) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting unreasonable restraints of trade; imposing penalties; and providing for enforcement.

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVES

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

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

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

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

Senator BODACK. Mr. President, I request a temporary Capitol leave for Senator Lincoln.

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

And the question recurring,
Shall the bill pass finally?

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

Senator BAKER. Mr. President, the observation is often made today that government is run by lawyers, and I think this bill is a good indication of what happens when lawyers become incestuous and decide that the entire process must be run by a combination of an attempt to emulate laws that already exist at another level.

There is no doubt in my mind that there is a legitimate role for government in the antitrust field. I do raise the question as to whether or not, with our State existing as long as it has, we now need to add another burden to a State in which business already has been told by our General Assembly and by our administration that business is not welcome in Pennsylvania. Another tool is to be given to those in government who want to make it difficult for business, and the question has been asked, is this a power grab? I think it is a question that needs to be answered.

We have a body of law at the Federal level that has been interpreted extensively. We do not have that at the State level. The crafting of this bill has gone through so many transmutations that it is obvious that those who authored it are attempting to fill a notch on a list as opposed to doing something for

a problem that has actually been put before us, and, in my opinion, it will just add to the number of factors that business has to contend with to exist in Pennsylvania. Its interpretation is unsure, and it will put significant power into the hands of bureaucratic and legal officials who will then have the job, over a number of years, of developing a body of law that could be interpreted in such a way as to just allow business to be harassed by it.

Thank you.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

Senator MOWERY. Mr. President, I would also like to rise in opposition to this bill. I think that every time government comes around and says all the good things they are going to do for us, it usually ends up that it works out the other way. I think businesses in Pennsylvania have enough problems right now with the substantial tax increase that was put on them here a couple of years ago and the frustrations of not yet having solved workers' comp. I really do not think we need to put more government regulations on our businesses in Pennsylvania. We have the Federal statutes that work right in line with what this bill is all about, and I do not think we need another level of government to do the same thing.

I would ask for a "no" vote.

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

Senator BELL. Mr. President, I stand in support of this bill. A couple of years ago we had a very cold winter. We had a very severe shortage of heating oil, coal oil, and other petroleum products. The Committee on Consumer Protection and Professional Licensure ran an inquiry, and we found out that our State was the only one without adequate means of protection for our citizens. I think that was the birth of this type of legislation. I believe we are the only State without protection for our citizens, and it is amazing that it is now being classed as antibusiness.

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

Senator BRIGHTBILL. Mr. President, addressing this bill, standing here makes me remember former State Senator Richard Snyder from Lancaster, and I remember the final day that he got up to speak on this floor to talk about his tenure. I think he had a number as to how many times the General Assembly threw out the baby with the bath water, and I think that is exactly what we are going to be doing here if we pass this bill. The gentleman from Delaware, Senator Bell, mentioned that there are some legitimate problems and there are some legitimate needs out there, and we do need to deal with those

things, but we need to deal with those things in a very fine-tuned way.

My recollection here goes back to the 1940s and the 1950s. When World War II ended, there were two diners in the city of Lebanon. On the west end of town was Pushnik's, and on the east end of town was the Lincoln Diner, which was the Brightbills, and all through the 1940s and into the 1950s, the Pushniks and the Brightbills fought for market share in the diner business. We were open 24 hours a day, 7 days a week, 365 days a year—excuse me, 360 days a year because we did take 5 days off at Christmas. We closed down. On our side, and I know on Ed Pushnik's side, no one ever got further from the place of business that you could not be called back there quickly. I recall my father standing at the kitchen window with his binoculars, looking out the window through the diner so he could see what was going on, and I could hear him and my mother discussing who was in there and what was going on. It was part of my background.

Now, here is what is very interesting. Had the Brightbills decided to go out of the diner business, for whatever set of reasons, perhaps they wanted to move to Colorado and become cowboys, and say they would have gone to Ed Pushnik and said, Ed, would you like to buy the diner? And what would Ed Pushnik have said? Maybe I will, because I know Ed—in fact, I do legal work now for Ed—and Ed might have said, maybe I will. Well, what would happen today if that were the situation? Ed Pushnik and Jack Brightbill would get letters from the Attorney General telling them that because they are going to monopolize this market, this retail food market in Lebanon, Pennsylvania, they could be committing a felony, they could be subject to civil penalties, they could go to jail, they could lose everything they ever had. And, you know, all the Attorney General would have to do, Mr. President, is write that letter, because it would go no further.

Little business people are not going to go to war against the Commonwealth of Pennsylvania, and, you know, it is not far-fetched. You go into most communities and you might have one or two businesses doing things like, for example, repairing televisions, repairing electric motors. All kinds of little businesses are out there doing all kinds of work and providing an important economic stimulus, and there are times that they need to combine, and they do not need to have to come to a lawyer who was elected Attorney General to do what makes sense for the economy of Pennsylvania. They know instinctively what makes sense and if the market will drive it, and that is all we need to worry about.

Mr. President, if Dick Snyder were here today, I believe he would say that we are throwing the baby out with the bath water. I am suggesting a "no" vote.

LEGISLATIVE LEAVE

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

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

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

And the question recurring,
Shall the bill pass finally?

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

Senator AFFLERBACH. Mr. President, I do not know whether the gentleman from Lebanon, Senator Brightbill, and the Pushniks may have cornered the diner market, but it sounds to me as though he has certainly cornered the Lebanon bologna market.

Unfortunately, Pennsylvania is one of the very few, if not the only State left in the Nation without its own antitrust act, and equally unfortunately, as we have observed only too well at the Federal level for the last number of years, the Federal government simply cannot be bothered and has not been bothered with many violations of what would normally be considered antitrust to the Federal act.

Small business people have come to me for at least the last dozen years asking, in fact, that Pennsylvania establish its own antitrust act to make up for that slack. This is a good start. I recommend approval of this bill.

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

Senator LEWIS. Mr. President, I rise to join in the comments made by the gentleman from Lehigh County, Senator Afflerbach, and to further offer some observations, in part in response to some of the concerns expressed by the previous speakers.

Let me begin first with the comments by the gentleman from Lebanon, Senator Brightbill, and, while entertaining, assure him that if the activity which he described is not illegal today, it will not be illegal next week after the passage or the adoption of this bill. I believe that all of the Members of this Chamber should know that the clear definitions of monopoly, as they have been painstakingly crafted now across a period of nearly 100 years in court decisions in this country, make it unquestionably clear that the conduct which he described is not illegal today and, therefore, will not be illegal tomorrow with the passage of this bill.

The gentleman from Chester, Senator Bell, made some reference, while I am on this point, to a large body of Federal law that has been interpreted, and he expressed concern about the fact that we have no such repository of precedents in Pennsylvania. I would direct the gentleman's attention to the fact that within this bill, because of a concern for that very point, he will find as part of the proposed statutory language the clear and unequivocal statement that all Federal precedents are to be incorporated as part of the reference base for the Pennsylvania law. There is no question in my mind, as the principal sponsor of this bill, nor has there ever been in the course of the nearly 3 years of negotiations which have preceded this day, that the intention has always been to mirror that which has occurred on the Federal level.

The reason for the need for the statute is as expressed by the preceding speaker, and that is that Pennsylvania now ranks in the questionable position of being the only one of the 50 States in this country which does not have a State antitrust statute. So, one must therefore ask why and what are the consequences of that? Well, the consequences, it seems to me, are pretty clear. There are victims of illegal activities who are not being pursued or prosecuted in this State, and the losers, as a consequence of that, are the consumers in this Commonwealth. The interesting statistical information is that the victims, the consumers in the other 49 States which, in fact, have State antitrust statutes, are overwhelmingly the businesses of those States, particularly the small businesses of those States, that tend to be predominantly the consumers of the kinds of goods and services which have typically lent themselves to the sort of illegal activity that is not of a great enough dimension to capture the interest of the Federal law enforcement agencies.

One of the speakers suggested that since there is a Federal body of law, he could see no reason why we needed to replicate it on the State level. That brought to mind the question of whether one would argue similarly that since there are Federal law enforcement officials to deal with criminal acts, that one need not bother to have local law enforcement agencies or State Police because the Federal officials ought to be able to take care of the problem at hand. I think that the reason why the answer is unquestionably clear that we need local officials in that kind of a context is the same kind of answer that has to be given with regard to antitrust statutes themselves.

Businesses are not going to be harassed as a result of the passage of this legislation. Businesses are going to be helped more than any other constituency in this Commonwealth. And, in fact, that is why the overwhelming majority of the major business interests in this State support the passage of this bill. They have worked with me, they have told me so personally, and, in fact, from my experience, the overwhelming number of small businesses also are supportive of the passage of this bill. And, so, to try to suggest somehow or another that there is an antibusiness effort or endeavor underway is absolutely contrary to the facts and to the expressed preferences of those business people themselves. I think it is important to be clear about what the objectives are, about what the benefits will be, and I hope that when people understand these circumstances, they will see that an affirmative vote is in the best interest of Pennsylvania, of its consumers, and of its businesses.

I urge an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEAS—34

Afflerbach	Greenleaf	Mellow	Salvatore
Andrezeski	Hart	Musto	Scanlon
Belan	Jones	O'Pake	Schwartz
Bell	LaValle	Pecora	Stapleton
Bodack	Lemmond	Porterfield	Stewart

Bortner	Lewis	Reibman	Stout
Dawida	Lincoln	Rhoades	Tilghman
Fattah	Lynch	Robbins	Williams
Fumo	Madigan		

NAYS-15

Armstrong	Fisher	Loeper	Shaffer
Baker	Helfrick	Mowery	Shumaker
Brightbill	Holl	Peterson	Wenger
Corman	Jubelirer	Punt	

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

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

HB 318 (Pr. No. 1209) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting a county of the second class from imposing taxes on certain individuals.

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-49

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

NAYS-0

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

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

HB 559 (Pr. No. 1208) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for lottery sales agents; and providing for certain applications for lottery machines and for a compact to sell tickets.

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN, by unanimous consent, offered the following amendment No. A1486:

Amend Title, page 1, lines 7 through 9, by striking out all of said lines and inserting: regulating the sale of out-of-State lottery receipts or interests.

Amend Bill, page 1, lines 12 through 18; page 2, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting:

1 Amend Sec. 2, page 2, line 6, by inserting after "ACT": of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law

Amend Sec. 2 (Sec. 9), page 2, line 12, by inserting brackets before and after "DEPARTMENT" and inserting immediately thereafter: Department of Revenue

Amend Sec. 2 (Sec. 9), page 2, line 19, by inserting after "PERSON": who is not registered with the department pursuant to section 9.1

Amend Sec. 3, page 2, line 29, by striking out "3" and inserting:

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

Section 9.1. Sale of Lottery Receipts of Another State.— (a) (1) Any person who engages in the sale of lottery receipts of another state shall register with the department in accordance with this act.

(2) The department shall promulgate regulations providing for the requirement of bonding for lottery receipt sales and for the registration of agents to sell lottery receipts of any other state to a licensed lottery sales agent or other sales outlet.

(3) No person may be registered pursuant to this subsection unless the secretary has reviewed the financial responsibility and security of the person and his business or activity.

(4) The secretary may refuse to issue a license pursuant to this subsection, or may suspend or revoke a license so issued if it shall find that the applicant: (i) has been convicted of a crime involving moral turpitude, (ii) has engaged in bookmaking or other form of illegal gambling, (iii) has been found guilty of any fraud or misrepresentation in any connection, (iv) has violated any regulations promulgated pursuant to this section of the act.

(5) The secretary may refuse to register or suspend or revoke the registration issued pursuant to this subsection to a corporation, if it shall determine that any officer, director, member or stockholder or such corporation applying for registration or of any corporation which owns stock in or shares in the profits, or participates in the management of the affairs of such applicant: (i) has been convicted of a crime involving moral turpitude, (ii) has engaged in bookmaking or other forms of illegal gambling, (iii) has been found guilty of any fraud or misrepresentation in any connection, or (iv) has violated any regulations promulgated pursuant to this section of the act.

(b) (1) Any person registered pursuant to this section shall remit to the Department of Revenue the sum of one dollar (\$1) for each individual transaction involving the sale of lottery receipts of another state.

(2) Any such person shall provide the department with all relevant information necessary to ensure compliance with this subsection.

(3) All revenues derived from the surcharge amounts remitted pursuant to this subsection shall be deposited in the State Lottery Fund for the purposes set forth therein.

(c) Any person engaged in the sale of lottery receipts of another state on the effective date of this section shall register with the Department of Revenue in accordance with this section. The person may continue to engage in such sales in accordance with the provisions of this section and shall be deemed provisionally registered until the Department of Revenue has processed the registration under this section.

(d) The following words and phrases shall have the meanings given to them in this section:

"Receipt." A lottery ticket, share, contingent promises to pay, orders to purchase or other records of interest in a lottery of another state or government by any person.

"Person." The term shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint-stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary capacity, whether appointed by a court or otherwise, and any combination of individuals.

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

Amend Sec. 4, page 3, lines 4 through 7, by striking out "as follows:" in line 4, all of lines 5 through 7 and inserting: in 60

On the question,

Will the Senate agree to the amendment?

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

Senator CORMAN. Mr. President, this is the bill that deals with the sale of out-of-State lottery tickets, if you would, in the State of Pennsylvania. They have been sold in Pennsylvania and probably will be, regardless of the law. The current bill that is in front of us would outlaw the sale of out-of-State lottery tickets in Pennsylvania unless the Secretary of Revenue would form some relationship with some other State to allow sales to take place.

My amendment would simplify the matter by merely saying we will allow the sale of out-of-State lottery tickets in Pennsylvania, and it instructs the Secretary of Revenue to determine who the persons shall be who shall sell these tickets, and we shall charge \$1 for each out-of-State lottery ticket that is sold in Pennsylvania. This \$1 for each one of those sales would go into the Lottery Fund to further enhance the Lottery Fund and really would have no expense tied to it, since it does not tie itself to any lottery payout. So it seems to me it would further enhance the lottery sales so that we would protect it for all the senior citizen programs that we have in Pennsylvania and allow those entrepreneurs in Pennsylvania who want to sell out-of-State lottery tickets to continue to do so.

I would urge a positive vote from all of my colleagues. Thank you.

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

Senator JUBELIRER. Mr. President, during the debate last week, we had indicated several areas of concern with the legislation. The proposed amendment, I believe, takes care of the two major concerns. First, it turns the issue into one that works to the very benefit of Pennsylvania's senior citizens. The apparent public interest in other lotteries is regulated, not arbitrarily denied. The measure will, through a surcharge, provide contributions to programs for our senior citizens, not see dollars siphoned off. If individuals choose to pursue jackpots in other States, it is our Lottery Fund, our programs for senior citizens, which will receive a guaranteed cut of the action.

This simple approach, secondly, Mr. President, also removes all of the uncertainties about what this bill actually means. A few days' look at the issue has produced a promising solution. Yesterday this amendment apparently seemed to be a good idea to everyone. It is unfortunate that it appears that the Casey administration mounted a quick campaign against it, and their involvement has peeled away some support. The Revenue

Department has put process ahead of the people through their objections. The bureaucrats have decided this bill is it, irrespective of the evident flaws of the much better approach which Senator Corman has offered in the form of his amendment. I do not think their arguments reflect either the long-range interest of senior citizens or the habits of lottery players.

I join Senator Corman, and I hope everyone else does, in urging the adoption of this amendment. Through thoughtful action, Mr. President, we can now turn a wild card situation into one that will prove a winner for Pennsylvania and our senior citizens.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, I would remind the Members of the Democratic Caucus that we discussed House Bill No. 559 and its amendments in caucus and I would ask for a negative vote.

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

Senator BELL. Mr. President, I am surprised at the remarks of the gentleman from Allegheny, Senator Bodack, because a negative vote is going to deny the Lottery Fund, where we need this money, a lot of much-needed cash.

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

Senator BODACK. Mr. President, I would remind the gentleman that it is not going to deprive the Lottery Fund of any more money than it was deprived of last week.

Thank you.

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

Senator BELL. Mr. President, in answer to my very good friend and fellow inhabitant of a motel called "Pittsburgh East," I would like to say that I am trying to bring more money into the Lottery Fund, and his position is going to deny an additional source of revenue.

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

Senator FUMO. Mr. President, the amendment would have the effect of delaying passage of this bill. It is urgent that we do it. The Minority Party last week killed the bill by playing around with it. We want to get on with it. We do not want to play around with any more amendments. Let us just pass the bill; get it done to protect our lottery system. I do not want to have the bill delayed on the promise that we are going to make more money. Let us just protect what we have and that will be more than enough.

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

Senator JUBELIRER. Mr. President, in response to the previous speaker, I might point out that the bill has already been amended and will have to go back to the House for its concurrence anyway. That could be done next week, or, frankly, we could put it on a supplemental Calendar and do it today.

Second of all, Mr. President, the bill has a 60-day effective date, regardless. That is not the issue at all. Yesterday it was a great idea until Secretary McNulty and the administration talked some people out of it, and I cannot understand that. We are trying to make a bill better, trying to put more money into the Lottery Fund, which certainly can use it, and we are not delaying anything. If they want to do it today, we can put it on a supplemental Calendar, but it has to go back to the House of Representatives no matter what because it has been amended. So, that argument just does not hold any water, Mr. President.

I think there is a real opportunity and it is too bad that it has to be done on a partisan basis. This is not a partisan issue. We are all trying to help our senior citizens, and I think that the amendment offered by the gentleman from Centre, Senator Corman, which at least yesterday seemed to have significant support on the other side until Secretary McNulty talked everyone out of it, is a good idea, and that is all we are trying to do - make the bill the little better, put more money into the Lottery Fund - and we all should be working to do that. Delay is not the issue here at all. Frankly, it is the administration's heavy-handed tactics that have been involved in this whole thing.

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

Senator FUMO. Mr. President, the only thing the Minority is trying to do is cover their a-double-s from after what they did last week. Mr. President, a bird in hand is worth two in the bush. We would love to have all the revenue we can have. We would like to get \$2 a ticket, \$3 a ticket. That would be wonderful. But in the meantime, we are suffering losses. Let us get on with the business and get it done.

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

Senator HART. Mr. President, I rise in support of the amendment. For many of the reasons that have been stated about expediency, I think the amendment is the proper version of this bill to support. The reason I say that, Mr. President, is that we simply have a rule that does not require any participation or any agreements to be negotiated by the Secretary of Revenue. We automatically will receive a dollar from each out-of-State lottery ticket stub sold here in the Commonwealth. It is a simple approach, it is an inexpensive approach to administer, it is also a quick approach to administer, and I think it will infuse more cash into our lottery system more efficiently.

Thank you, Mr. President.

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

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

YEAS—23

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

Fisher Loeper Robbins

NAYS—26

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

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

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

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

On the question,
Shall the bill pass finally?

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

Senator DAWIDA. Mr. President, I think while there is some legitimate disagreement over what was best for the lottery, we all know we have to protect the lottery. This is a very important piece of legislation, and I think we should put behind all the disputes we may have had and we should all vote "yes" for this piece of legislation.

Thank you.

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

Senator JUBELIRER. Mr. President, we are certainly going to support House Bill No. 559. As the gentleman from Allegheny, Senator Dawida, indicated, there are some legitimate concerns that we have with the language drafted in the bill. We certainly hope that the issue of reciprocal agreements can be addressed by the Secretary of Revenue. We believe that the amendment would have straightened a lot of things out. Nevertheless, the amendment failed, and we had the opportunity to participate in the process, so we certainly intend to vote for the bill. It is the only game in town, frankly. Hopefully, the language that is ambiguous will indeed be dealt with by the Department of Revenue.

Thank you, Mr. President.

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

Senator HART. Mr. President, I rise in support of the bill, although I agree that the language is somewhat ambiguous. I think that we as a legislature, and I, definitely, as the Minority chairman of the Committee on Finance, intend to encourage the Secretary of Revenue to consider a simple agreement, something that could be offered in general to other States whose lottery ticket stubs are already being sold here, that we do something simple, as was suggested in the amendment, not to get involved in lengthy agreements so that we can more

quickly absorb more revenue from the sale of other State's lottery tickets.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I really wish we would stop beating up on the Secretary of Revenue and just get on with the business at hand. The real issue last week was that the Republicans made a mistake by killing this bill. This week they try to come up with a new gimmick - let us beat up the Secretary of Revenue. Let us just pass the bill. Stop the speeches. If they would have done what they were supposed to do last week, we would not even be having this problem today. Let us get on with the business of the Senate and stop making speeches that are ridiculous.

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

Senator JUBELIRER. Mr. President, we went through this last week and I had hoped that that kind of attack on the motives and the integrity of the Members of this side by one or two Members on the other side would cease. I do not think it does anybody any good to question the motives of anyone. I do not think I need to repeat that this bill came out on a supplemental Calendar on the first day and nobody was going to be given the opportunity to review it. We have reviewed it. We have participated in the process. This is supposed to be a deliberative body. We believe that the amendment that was offered was dealt with in good faith. I think that the gentleman from Allegheny, Senator Dawida, has put the matter in an appropriate perspective. I do not think there is any question. In fact, I think if the gentleman would check with some of the remarks by his side of the aisle to the press about the compromise amendment that he and the gentleman from Centre, Senator Corman, had worked out and how positive it was, it was indeed the meeting in the President pro tempore's anteroom off here with Secretary McNulty that changed the minds of Members at that time, for whatever reason. But, Mr. President, I do not think it is appropriate.

POINT OF ORDER

Senator FUMO. Mr. President, point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state his point of order.

Senator FUMO. Mr. President, the gentleman criticizes me for going into his motives. He now tells us people changed their minds because they met with the Secretary of Revenue. I do not know that to be a fact; neither does he. If he wants to play by the rules, tell him to play by them as well.

The PRESIDENT. The Chair appreciates the perspective of both gentlemen and would suggest that both refrain from questioning the motives of people either on the floor or off the floor.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I did not question the motives. I said that is what changed the so-called compromise amendment. We did not try to kill this bill. All we wanted was an opportunity to review it, to try to make it better. We have done that, Mr. President. We did not succeed in doing that. That is part of the process, and we respect that. We are voting for the bill, and every Member over here is going to vote for this bill because it is the only game in town, and there is no reason to impugn the integrity or the motives of any Member over here for wanting to participate in the process. I think the sooner we get away from that kind of debate, the better this body is going to be and we can get on with the deliberative process. We may not have 25, and maybe we only have 24, but we intend to participate in the process in any way we possibly can. That is what we were elected to do, and we intend to do that.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, methinks the gentleman doth protest too much.

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—2

Armstrong Lewis

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.

BILLS OVER IN ORDER

SB 601, SB 724 and SB 1008 — Without objection, the bills were passed over in their order at the request of Senator BODACK.

SECOND CONSIDERATION CALENDAR**BILL ON SECOND CONSIDERATION**

HB 65 (Pr. No. 1621) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, providing for public comment.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 433 (Pr. No. 1199) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles; replacing informal dispute settlement procedure with State-certified new car arbitration; and providing for sanctions and penalties.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BODACK, and agreed to, the bill just considered was rereferred to the Committee on Appropriations

BILLS ON SECOND CONSIDERATION

SB 606 (Pr. No. 1147) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for rights and duties of candidates for nomination or election and for notice of certain contributions.

Considered the second time and agreed to,

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

SB 609 (Pr. No. 648) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for civil proceedings and for monetary limits of parental liability.

Considered the second time and agreed to,

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

SB 611 (Pr. No. 650) — 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 institutional vandalism.

Considered the second time and agreed to,

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

SB 612 (Pr. No. 651) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal mischief.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 683 (Pr. No. 1197) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing parole procedures; providing for the powers and duties of the Department of Corrections, the Pennsylvania Board of Probation and Parole and the Pennsylvania Commission on Sentencing; creating the Office of Victim Advocate; providing for work time and earned time; and amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the 'Pennsylvania Board of Probation and Parole'; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," further providing for sentencing; and making repeals.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILLS OVER IN ORDER

SB 684 and SB 860 — Without objection, the bills were passed over in their order at the request of Senator BODACK.

BILL ON SECOND CONSIDERATION

SB 863 (Pr. No. 941) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," providing for certain direct and indirect extensions of credit to individuals, partnerships and unincorporated associations; authorizing direct extensions of credit to finance installment sales of goods and services to be made through sellers and contractors as intermediaries; and providing for compliance with Federal law regarding availability of withdrawal of items deposited.

Considered the second time and agreed to,

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

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

HB 958 (Pr. No. 1404) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for the salaries of members of the Pennsylvania Public Utility Commission; and making repeals.

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

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

BILL OVER IN ORDER

SB 985 — Without objection, the bill was passed over in its order at the request of Senator BODACK.

BILL ON SECOND CONSIDERATION

SB 1025 (Pr. No. 1139) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for pre-parole drug screening tests.

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

BILL OVER IN ORDER

SB 1032 — Without objection, the bill was passed over in its order at the request of Senator BODACK.

BILLS REREFERRED

SB 1036 (Pr. No. 1158) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for certain corporate tax credits for manufacture of finished products containing recycled materials.

Upon motion of Senator BODACK, the bill was rereferred to the Committee on Appropriations.

SB 1041 (Pr. No. 1163) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a gleaning credit.

Upon motion of Senator BODACK, the bill was rereferred to the Committee on Appropriations.

**SENATE CONCURRENT RESOLUTION
NO. 32, CALLED UP**

Senator BODACK, without objection, called up from page 6 of the Calendar, **Senate Concurrent Resolution No. 32**, entitled:

A Concurrent Resolution recognizing the Lenape Coalition of Lenapehocking as an alliance of independent family clan groups; and memorializing Congress to acknowledge the Lenape Coalition of the Lenapehocking as such.

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION
NO. 32, REREFERRED**

Senator BODACK. Mr. President, I move that Senate Concurrent Resolution No. 32 be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to, and the resolution was rereferred to the Committee on Rules and Executive Nominations.

SENATE RESOLUTION NO. 33, CALLED UP

Senator BODACK, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 33**, entitled:

A Resolution calling for the Joint State Government Commission to create a bipartisan commission to study the issuance of bonds for economic development in the former Soviet Bloc.

On the question,
Will the Senate adopt the resolution?

LEGISLATIVE LEAVES

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

Senator JUBELIRER. Mr. President, I request temporary Capitol leaves for Senator Punt and Senator Shumaker.

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

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I request a temporary Capitol leave for Senator Lynch, who has just been called from the floor.

The PRESIDENT. Senator Bodack requests a temporary Capitol leave for Senator Lynch. The Chair hears no objection. That leave will be granted, as well.

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

The PRESIDENT. On the motion to adopt, the Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I am very surprised that this resolution has even been introduced in the legislature, let alone up for consideration in the Senate. My constituents, through me, protest against paying taxes to provide for bonds to help

the countries of the former Soviet Union, Cuba, all the way over to the Pacific Ocean. When you issue bonds, they have to be repaid. I say that this consideration, even this resolution, goes against everything that my constituents believe in.

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

Senator DAWIDA. Mr. President, I regret that my good friend, Senator Bell, has this issue confused. I believe that his constituents would be quite the opposite, and that he is operating from misinformation and misunderstanding. The concept here is clearly one to help American businesses do business in what was the former Soviet bloc. What I think we need to do is change the attitude of how we develop business in the area that used to be known as the Soviet bloc. I do not believe we should dump money into anything, and the reason this was done as a resolution rather than in a more comprehensive bill is that nothing, first of all, can be done until the voters would agree to it. Secondly, this has to be fleshed out in a better way, and what I will propose to this commission is the idea that businesses here that have the opportunity to make money overseas ought to be given that opportunity in a greater way than they have in the past. Other countries are doing so. We should not miss out on it.

The concept that I have proposed and will propose in greater detail to this commission is to have money follow American business. We are and have always been people who do business with the whole world. In Pittsburgh, we are famous and proud of the fact that most of the bridges and infrastructure of the world were built in our town. One of the reasons our economic prosperity has begun to fail is that we are no longer the people building for the rest of the world. Instead, we are the consumer of other people's building, other people's profits. We have to change that, and we have many hard-charging entrepreneurs ready to do that.

This is not a bad lot. This is certainly something that we hope will provide a comprehensive program to make money for Pennsylvania businesses. This is sound on a business viewpoint and farsseeing in that we can no longer sit back and just consume what the rest of the world makes. We have to aid and help our businesses create job opportunities where they exist. The former Soviet bloc was not open to us before. It is now. Let us be intelligent businesspeople. Even though we are only at the State level, let us be a leader in trying to develop ideas. But make no mistake about it, nothing in this proposal can be done unless the voters agree to it. I think we have a proposal that will do that, and I regret bitterly that he is so confused on this issue and does not see that we have an opportunity that is historic in nature, and we would be fools if we were to miss it.

I urge a "yes" vote on this particular resolution as a probusiness idea.

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

Senator BELL. Mr. President, my message is the full faith and credit of the Commonwealth of Pennsylvania should be used for bonds to do good for Pennsylvania, to provide for our

industry, to provide for our economy. I believe that we should use the full faith and credit of the Commonwealth of Pennsylvania for the benefit of the Commonwealth of Pennsylvania and not some former Soviet nation.

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

Senator DAWIDA. Mr. President, I regret having to speak twice on this, but the gentleman from Delaware, Senator Bell, could not be more wrong. The whole idea of business is to create your markets and go everywhere and do them, and the gentleman could not be more wrong or more pigheaded about an issue, and I regret saying that. I really am upset.

POINT OF ORDER

Senator JUBELIRER. Mr. President, point of order.

The PRESIDENT. The Chair anticipated the gentleman's point of order.

Senator DAWIDA. Mr. President, all right, I will withdraw the remarks.

Senator JUBELIRER. Thank you, Mr. President.

Senator DAWIDA. Mr. President, it was intemperate of me. However, I cannot stress strongly enough how wrong I believe the gentleman's approach is. I am the one who wants to create jobs for Pennsylvanians. You do not do it by just sitting back and letting other people grab all the markets. You do it by going out and grabbing some of the markets yourself. Nothing can happen under this proposal unless it is very sound fiscally, and it may never get anywhere, but we have to help our businesses expand, and the way you do that is to find your markets where they exist, and they happen to exist in the former Soviet bloc.

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

Senator LOEPER. Mr. President, I would just like to remind the Members of the Senate, while we are debating an issue such as this today before the Senate as far as using bond money to create jobs overseas, it seems to me that one of the issues that people had great concern about recently was shipping jobs to Mexico and how terrible it was that Pennsylvania would take part in any kind of plan that would have jobs go out of Pennsylvania, and it seems to me that what we would really like to try to do at this point is maybe focus on what Pennsylvania's infrastructure needs really are. I might suggest to the Members of the Senate that there was a proposal that was introduced this year in a bipartisan fashion, one called Key 93. It was a \$93-million bond issue that originally was supposed to be dedicated and eventually a dedicated funding source to help fund our libraries, our open space, our parks and recreation, things that have been neglected by Pennsylvania for the past several years. Particularly, I think, if we look at this year, the 100th anniversary of our Pennsylvania State Parks system, we see that there are many needs out there for local facilities to take care of our residents. In addition to that, public libraries have taken funding hits five times in the last year and a half by this administration and have not been able to meet the needs of our residents throughout Pennsylvania.

So it seems to me, Mr. President, that while we have a resolution before us to try to expand Pennsylvania's business climate into the former Soviet bloc, that maybe what we ought to do is reflect a little bit on some of the proposals that we have before us. I find it very confusing that we have an administration that is not going to endorse using bond money to try to fund a program of parks, recreation, and public libraries for our residents, but, yet, here we are in a position trying to consider a program that is going to create jobs overseas. I think we ought to start at home, and for that reason, Mr. President, I am going to ask for a "no" vote on Senate Resolution No. 33.

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

Senator ARMSTRONG. Mr. President, I will have to side with the maker of the resolution. I feel that in a situation like this, we are talking about a country that still has 20,000 nuclear bombs in their arsenal. This resolution is not talking about any dollars at this point in time. It is just saying, let us look into the possibilities down the road as far as some economic development with the former Soviet Union. I do not think we can shut that door. They need as much help as they can possibly get. All we need right now is for some dictator to take over Russia at this point in time. You think we have problems now? All we have to do is get five or six nuclear bombs heading this way. It would ruin our day. If one goes off in Washington, D.C., you will see the crater right around the Susquehanna River, and we will not have to worry about some of the other problems we have.

So I think that we should not shut this door. It is an opportunity maybe down the road, and let us just keep the options open.

Thank you, Mr. President.

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

Senator JUBELIRER. Mr. President, I think it is good, again, that we debate an issue that seems to have some question to it. I would call the Members' attention to the part of the resolution that says: "RESOLVED, That the Senate direct the Joint State Government Commission to create a bipartisan task force to study the feasibility of the issuance of bonds by the Commonwealth, the purpose of which is to provide aid to Eastern European nations," not American businesses, as the maker of the resolution has so indicated.

If this Commonwealth, Mr. President, were in such robust economic health, perhaps we could contemplate that sort of assistance, but at the time, frankly, when many individuals in this State are either unemployed or underemployed, and when many communities are struggling to save jobs and prevent plant closings, our economic attention needs to be directed to the job climate right here in the Commonwealth. And whatever assistance is available I believe should be invested in opportunities for our citizens.

Senator Loeper has pointed out the Key 93 proposal which he and Senator Lincoln unveiled earlier this year which would provide dedicated funding for State Parks, for recreation areas,

historical sites, and libraries. I think that these items are extremely important to communities and to our people. But the administration, when that proposal was unveiled, was not at all enthusiastic about any bond issue. There is a reluctance to use a tool that would help whether it be East Stroudsburg or East Petersburg or East Liberty. It is hard to imagine using our fiscal resources to study how we can help Eastern Europe. I would suggest that we let the Federal administration, the President and Congress, make decisions on matters of global concern and that we in the General Assembly concentrate on solving the immediate serious problems, whether they be economic, educational, or environmental, that confront the communities that we represent.

And that does not mean, Mr. President, that we should not be doing everything we can to open up Pennsylvania's markets to Eastern Europe and establish that kind of relationship, and I respect the maker of the resolution for his sincerity in what he strives to do because that is the way he is, and I know he sincerely means that. But the resolution does not say that, and that would be the reason that I would vote against the resolution, Mr. President, because it may be his intent to do other things, but the resolution, frankly, does not do that. We have much to do here with our own bonding and the full faith and credit of the Commonwealth before we get to that point.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I was off the floor for a while for a meeting in my office but I came back, and because I am not feeling good, I have a cold, I thought I had missed something. I thought we were in Petitions and Remonstrances already because the debate on this issue has me kind of befuddled and confused. I heard the floor leader on the other side say that all this resolution is going to do is direct that a study be done by the Joint State Government Commission to see if this particular proposal is something that could be feasible. I think the gentleman knows from past experience that you have to have approval from the voters for any of these types of referendums for selling bonds and spending money in this manner. And his concern about the well-being and the health of the economy of the Commonwealth kind of confuses me even further because back in the mid-'80s when there was a Republican President and there was a Republican Governor and there was a Republican Majority here in the Senate, the people of Pennsylvania passed a \$190-million bond issue for economic development, when we were losing hundreds of thousands of our steelworkers, our coal miners, our foundry workers. Back in the early- to mid-'80s, when the Republican Party was destroying this country, there was a \$190-million bond issue that was put into place.

POINT OF ORDER

Senator JUBELIRER. Point of order, Mr. President.

The PRESIDENT. If the gentleman would yield for a second for the Senator's—

Senator JUBELIRER. Mr. President, I have no problem with the gentleman disagreeing with anything I say. I certainly think that it is out of order for him to suggest that the Republican Party was destroying this country. I think that takes away from the debate on the resolution and is out of order.

The PRESIDENT. Well, the Chair would—

Senator LINCOLN. Mr. President, I apologize to the Republican Party. I only want to put it as a matter of record. If they want to say that they were not in power from 1980 to 1986 when we had 25 and 30 percent unemployment in this State in western Pennsylvania and we lost hundreds of thousands of steelworkers and ironworkers and rubberworkers and glassworkers, I mean, if he wants to say that they were not in power, fine. Maybe the history books someday will show that Reagan was not President, Bush was not Vice President, Thornburgh was not Governor, and they were not in the Majority.

The PRESIDENT. If the gentleman would yield.

Senator LINCOLN. We had a \$190-million bond issue at that time that was approved by the voters, and after 6 years of the Thornburgh administration and the Republican control of the Senate, there was \$164 million left.

They do not want to spend money to help anybody go to work anytime. And to confuse that type of an effort with a study that opens up one of the largest countries in this world to economic growth in this country I think is the type of mentality that led us through the '80s: If you leave it alone, it will go away. Well, what happened? You left it alone and it went away. We do not have any jobs left.

I think the debate on this issue is absolutely ludicrous. This will go down someday with the debate that we used to do in the House—

Senator TILGHMAN. Mr. President.

The PRESIDENT. If the gentleman would yield.

The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

PREVIOUS QUESTION MOVED

Senator TILGHMAN. Mr. President, I move the previous question.

The PRESIDENT. Senator Tilghman moves the previous question. Are there four seconds to that motion?

Senator BELL. Mr. President, I second the motion.

Senator MOWERY. Mr. President, I second the motion.

Senator LOEPER. Mr. President, I second the motion.

Senator JUBELIRER. Mr. President, I second the motion.

The PRESIDENT. The motion is in order. The only thing before the body is, shall the main question now be put?

On the question,

Shall the main question now be put?

The PRESIDENT. On the motion, which is not debatable, the Clerk will call the roll.

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—14

Bell	Jubelirer	Mowery	Shaffer
Greenleaf	Lemmond	Rhodes	Tilghman
Hart	Loeper	Robbins	Wenger
Holl	Madigan		

NAYS—29

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

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

And the question recurring,

Will the Senate adopt the resolution?

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

Senator LINCOLN. Mr. President, that break kind of took the fun out of it, so I am just going to quit talking.

I ask for a positive vote on the resolution.

And the question recurring,

Will the Senate adopt the resolution?

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

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

The PRESIDENT. The gentlewoman will be so recorded.

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

YEAS—26

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

NAYS—23

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

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

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT. At this point, the Chair would announce that Senator Williams has called a meeting of the Committee on Public Health and Welfare to begin immediately in the Rules room at the rear of the Senate Chamber. Would the Members of the Committee on Public Health and Welfare please report to the Rules room at the rear of the Senate Chamber.

**UNFINISHED BUSINESS
REPORTS FROM COMMITTEES**

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

SB 263 (Pr. No. 271) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; and providing for certain training programs.

Senator O'PAKE, from the Committee on Intergovernmental Affairs, reported the following bills:

SB 333 (Pr. No. 1210) (Amended)

An Act amending the act of May 29, 1945 (P. L. 1134, No. 405), entitled "An act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution, and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia and the District of Columbia;....." further providing for the members of the Interstate Commission on the Potomac River Basin for the Commonwealth.

SB 1062 (Pr. No. 1185)

An Act establishing the Philadelphia Regional Airport Authority and providing for its powers and duties.

Senator LINCOLN, from the Committee on Game and Fisheries, reported the following bills:

SB 570 (Pr. No. 609)

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664, No. 348), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

SB 800 (Pr. No. 863)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for the titling of motor boats; and further providing for registration of boats.

SB 1067 (Pr. No. 1193)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for the establishment of a separate account within the Game Fund.

HB 673 (Pr. No. 1708) (Amended)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for confirmation of commission members, for license costs and fees, for the powers of the commission and the director, for increased penalties for shooting at, causing injury to or killing another person and for license revocation; and providing for a felony penalty and for hunting or shooting at, causing injury to or killing another person while under the influence of alcohol or controlled substances.

HB 718 (Pr. No. 1709) (Amended)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for complimentary nonresident licenses; and further providing for restrictions on recreational spotlighting and for permit fees and for disabled person permits.

HB 887 (Pr. No. 966)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the qualifications for and the issuance of junior hunting or furtaker licenses.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Isabelle Hewes and to Erie Branch No. 284 of the National Association of Letter Carriers by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Ed Menig, Douglas Alan Mendenhall, Jr., and to Joshua M. Klein by Senator Baker.

Congratulations of the Senate were extended to Christopher George Clapper by Senator Belan.

Congratulations of the Senate were extended to Jonathan E. Rea and to Charles S. Greenwald by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Zell, Sr. and to John R. Miller, Jr., by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Wilbur E. Kishbaugh, Mr. and Mrs. Charles N. Johnson,

Mr. and Mrs. Albert Apple, Mr. and Mrs. Donald D. Rabb, Mr. and Mrs. Allen Williams, Damian Ober and to the Saint Edward's Boys Basketball Team by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Gilbert G. McClain by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Arvin Smith and to Mr. and Mrs. Clifford Fish by Senator Lemmond.

Congratulations of the Senate were extended to Dr. James E. Morrell by Senator O'Pake.

Congratulations of the Senate were extended to Joseph Laquatra by Senator Pecora.

Congratulations of the Senate were extended to Saint Casimir Church of Mahanoy City by Senator Rhoades.

Congratulations of the Senate were extended to Anthony J. Mineo, Anthony D. Perry and to Gregory J. Paul by Senator Robbins.

Congratulations of the Senate were extended to Edward W. Lewandowski by Senator Salvatore.

Congratulations of the Senate were extended to the Rediscover Germantown Day Committee and to Friends of Betak of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Adam Woodruff by Senators Shumaker and Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Israel Mervis, Mr. and Mrs. John B. Lucchino, Mr. and Mrs. Dale Mangus, Mr. and Mrs. Andy DeVivo, Mr. and Mrs. Jacob C. Wolfe and to Mildred C. Thompson by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Boris Venturini, Mr. and Mrs. Walter Hupp and to Mr. and Mrs. John Mancini by Senator Stout.

Congratulations of the Senate were extended to Hinkle's Pharmacy, Incorporated, of Columbia by Senator Wenger.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Tony Damiano by Senator Bodack.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 243, 333, 570, 800, 1012, 1062, 1067, HB 673, 718 and 887.

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

BILL SIGNED

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

SB 295.

REPORT FROM COMMITTEE

Senator WILLIAMS, from the Committee on Public Health and Welfare, reported the following bill:

SB 1028 (Pr. No. 1142)

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), entitled "Lottery Fund Preservation Act," further providing for transportation services; and establishing an advisory council.

BILL ON FIRST CONSIDERATION

Senator LINCOLN. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

SB 1028.

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

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Monday, May 10, 1993, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 1:10 p.m., Eastern Daylight Saving Time.