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SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 59

SENATE

SUNDAY, August 4, 1991.

The Senate met at 4:25 p.m., Eastern Daylight Saving Time.

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

PRAYER

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

Almighty and ever-living God, bless us this afternoon with the deep presence of Your Spirit, that Your will may be done in us and through us to accomplish all that is good for our great state. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of August 3, 1991.

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 MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1224**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

LEGISLATIVE LEAVE

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

The PRESIDENT. Senator Wenger requests temporary Capitol leave for Senator Fisher. The Chair hears no objection. That leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 1007 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

BILLS RECOMMITTED

SB 1053 (Pr. No. 1253) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929, (P.L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

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

HB 1106 (Pr. No. 1256) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L. 545, No. 109), known as the "Capitol Loan Fund Act," repealing expiration dates for approval of loans or other aid.

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

BILL REREFERRED

HB 1107 (Pr. No. 2252) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

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

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 279 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

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

**REPORT OF COMMITTEE OF CONFERENCE
REPORT ADOPTED**

HB 89 (Pr. No. 2413) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for senior resident license qualifications; authorizing certain disabled persons to hunt with crossbows; and deleting certain license requirements for regulated hunting grounds.

Senator WENGER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 89.

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

LEGISLATIVE LEAVE

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

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

And the question recurring,
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—50

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

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.

SENATE AT EASE

Senator WENGER. Mr. President, may we be at ease while we check on progress of activity in the House of Representatives.

The PRESIDENT. For the information of the Members of the Senate, we are awaiting several legislative items from the House of Representatives. While we do that, the Senate will be at ease.

(The Senate was at ease.)

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

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

DISTRICT JUSTICE

June 18, 1991.

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, Curtis L. Thompson, 206 Level Street, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

ROBERT P. CASEY.

NOMINATION LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nomination just read by the Clerk be laid on the table.

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

DISTRICT JUSTICE

June 18, 1991.

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, Curtis L. Thompson, 206 Level Street, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

ROBERT P. CASEY.

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

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

YEAS—50

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

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.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

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

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID 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 by amending said amendments to **HB 840**, in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to convene immediately in the Rules room to consider House Bill No. 840.

SENATE AT EASE

The PRESIDENT pro tempore. The Senate will stand at ease while Members of the Committee on Rules and Executive Nominations meet in the Rules Committee room to the rear of

the Senate Chamber. The Chair would ask that all Members of the Committee on Rules and Executive Nominations report immediately to the Rules Committee room. For that purpose, the Senate will stand at ease.

(The Senate was at ease.)

REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

HB 840 (Pr. No. 2446)

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, codifying provisions relating to public transportation; imposing certain fees and taxes; further providing for certain Pennsylvania Turnpike projects; defining "farm equipment"; further providing for the responsibilities of vehicle transferees, for exemptions from registration and certificates of title and for the use of dealer plates, multi-purpose dealer plates and farm equipment plates; further providing for funeral processions; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; establishing the Snowmobile Trail Advisory Committee; further providing for the highway maintenance and construction tax; and making repeals.

SPECIAL ORDER OF BUSINESS

SUPPLEMENTAL CALENDAR NO. 2

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS**

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

HB 840 (Pr. No. 2446) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, codifying provisions relating to public transportation; imposing certain fees and taxes; further providing for certain Pennsylvania Turnpike projects; defining "farm equipment"; further providing for the responsibilities of vehicle transferees, for exemptions from registration and certificates of title and for the use of dealer plates, multi-purpose dealer plates and farm equipment plates; further providing for funeral processions; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; establishing the Snowmobile Trail Advisory Committee; further providing for the highway maintenance and construction tax; and making repeals.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 840.

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

Senator CORMAN. Mr. President, we have dealt with a lot of weighty issues the last two days. I guess we have been here two days on these issues, and this is certainly one of the very important issues as well. With House Bill No. 840 we are

talking about mass transportation in the Commonwealth of Pennsylvania as well as highway funding. I am very much a believer in mass transportation. I use it every time I go to Washington, D.C. I believe we must find ways of attracting people out of cars and into mass transit operations. We cannot constantly, continually build more lanes to all of our various superhighways to move traffic across this Commonwealth. However, my people I represent in Central Pennsylvania I think have a difficult time believing they should be the prime funder of mass transit in Pennsylvania, when they get their magazines that they are going to be paying 6 percent tax on for funding of mass transit, when they are paying an extra dollar on the tires they buy, when they see their electric bill go up and they turn on the switch and realize they are funding mass transit. I guess they would not mind so much if they felt that two things were happening. One, that, in fact, they were served by mass transit because they have to pay for it. Two, if they felt confident that the monies that were used by mass transit organizations were used appropriately and there was an accountability built into the mechanism that allowed the state dollars to go to these mass transit organizations. Mr. President, we have not built in accountability. All we have done is said that all people in Pennsylvania who use public utilities are going to be paying extra for the use of that public utility in a 12 mill increase in the PERTA tax as well as their magazines, the tires they buy, if they lease vehicles, if they rent a car they are going to be paying for this mass transit. Now we are a bit of a beneficiary, in the center of my district in State College, of the monies that are involved here. It is about \$200 million. We will get a piece of that in State College and, in fact, in Bellefonte where I live. It is not a very big piece. The mass transit funding will be split by saying SEPTA will get 70.3 percent of all of these dollars. PAP, the Port Authority in Pittsburgh, is going to get 25 percent. The rest of the Commonwealth will get about 4.7 percent, or some number close to that, and of that 4.7 percent we will get a small piece of it in Centre County to use for mass transit. In Mifflin County they do not have mass transit so they will not have any use of it, or in Juniata County or in Clinton County or in Cameron County or in Clearfield County which I represent, but they will be paying the taxes regardless. They just will not get any benefit from it. They will get benefits from part of this bill, and that is the part that deals with highway funding. If we look at page 114, line 14, it ends that portion of dealing with mass transit and begins the portion dealing with highways.

PARLIAMENTARY INQUIRY

Senator CORMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Mr. President, I would like to inquire if we could divide the issue and separate this bill so we can support highway transportation additional offerings as proposed in this piece of legislation and those who do not want to provide all of these additional dollars to mass transit without

providing for any accountability so people can separate the issue.

The PRESIDENT pro tempore. The gentleman's point is correct. The Chair would rule that it is divisible and that as a matter of right I believe the matter can be divided.

Senator CORMAN. Mr. President, then is it appropriate that I would so move that we divide the issue?

The PRESIDENT pro tempore. The Chair has already ruled. You do not have to make the motion.

Senator CORMAN. Mr. President, what is my next step to bring this whole process about?

The PRESIDENT pro tempore. The question would go to the Body on each of the separate issues. The question before the Body is, will the Senate concur in amendments of the House of Representatives to Senate amendments in part 4, beginning with line 15 on page 114 to the end of the bill, which, frankly, is the highway section, for lack of any other description?

Senator CORMAN. Mr. President, I would encourage the passage of that portion of the bill.

The PRESIDENT pro tempore. Senator, the matter is before the Body.

Senator FUMO. Mr. President, may we be at ease for a moment.

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator O'Pake, Senator Williams, Senator Reibman, Senator Belan, Senator Mellow, Senator Stapleton, Senator Lynch, Senator Scanlon, Senator Dawida and Senator Jones.

The PRESIDENT pro tempore. Senator Lincoln has requested temporary Capitol leaves for Senator O'Pake, Senator Williams, Senator Reibman, Senator Belan, Senator Mellow, Senator Stapleton, Senator Lynch, Senator Scanlon, Senator Dawida and Senator Jones. The Chair hears no objection. Those leaves will be granted.

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Holl and Senator Loeper.

The PRESIDENT pro tempore. Senator Fisher has requested temporary Capitol leaves for Senator Holl and Senator Loeper. The Chair hearing no objection, those leaves will be granted.

The PRESIDENT pro tempore. Once again, the question before the Body is, will the Senate concur in amendments by the House of Representatives to Senate amendments in House Bill No. 840, beginning with line 15 on page 114 through the end of the bill?

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, in my point of parliamentary inquiry there are two equally important issues addressed in this bill. So that I know which one we are dealing with, is this vote going to be the mass transit portion of the bill?

The PRESIDENT pro tempore. This is the highway portion of the bill, Senator Lincoln.

Senator LINCOLN. Mr. President, I would urge a "yes" vote on this portion of the bill.

The PRESIDENT pro tempore. The question before the Body would be, since Senator Corman asked to have the question divided, will the Senate concur in House amendments to Senate amendments in House Bill No. 840 on the highway portion of the bill, which would be part 4, beginning with line 15 on page 114 to the end of the bill?

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

YEAS—39

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

NAYS—10

Greenleaf	Helfrick	Pecora	Robbins
Greenwood	Hopper	Rhoades	Shumaker
Hart	Lemmond		

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

On the question,

Will the Senate concur in the remainder of the House amendments to Senate amendments?

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

Senator CORMAN. Mr. President, I would now like to speak on the remaining portion of House Bill No. 840. Earmarking of taxes in some states has become very popular, and I have reams of material here that I would like to share with my colleagues because I have spent considerable time researching this issue. I do not think many in this room have spent the time I have, and I do not think they appreciate the problem we are placing the Commonwealth in if we pass this portion of the bill. I would like to cite a California example. This year it was facing a \$14.3 billion budget deficit. I have with me a copy of a study done by the Golden State Center for Policy Studies. They talk about "The Deeper Lesson of California's Budget Crisis." According to their document, California faced this unprecedented deficit and they point out that a goodly portion of it was caused by earmarking taxes.

If I may read a portion of this, Mr. President, it says: "The state is said to face a Hobson's choice between spending cuts

and tax increases. Even the Governor has proposed some \$6.6 billion of the latter. But we must resist the steady drumbeat of pressure for higher taxes, understanding that the working people of our state are already overtaxed, and that justice requires that they retain as much as possible of what they earn.

"There is an urgent requirement to stop the incredible waste of the taxpayer's dollar in California. The Governor and his Working Group have come up with ideas that represent a good beginning. The Little Hoover Commission and various private-sector groups have proposed others. No stone should be left unturned.

"The deeper lesson to be drawn from this crisis," as it points out in this article, "is that there is a systemic problem with our state's budgeting process. In short, centralized administration and the increasingly common practice of 'earmarking' portions of the budget have rendered California's government essentially unaccountable, not only to the people, but even to their elected officials."

It is amazing that California has earmarked about, according to this article, 90 percent of the state's spending by prior statute, judicial decree or federal mandate, and rises inexorably without either legislative deliberation or rational relationship to revenue growth. I say to you, Mr. President, we already have established a Lottery Fund and dedicated those funds, quite appropriately, to the senior citizens. We have an earmarked or dedicated fund for highway transit. If we continue to move along in earmarking funds, after a bit our budget process will not amount to anything in Pennsylvania. It will become a matter of merely handling that five or ten percent of the budget that is remaining while all of the rest automatically would go to whom we have previously designated. It is amazing that California is confronting a \$14.3 billion deficit, as it points out in this report. One way of gaining perspective on the situation is to recall the words of Governor Ronald Reagan in 1973: "Unless something is done to curb the government's unlimited power to tax, this year's \$9.3 billion budget will grow to a staggering \$47 billion by 1989." It so happened that in 1989 their budget was \$50 billion. If eight percent is the budget they have left in California to fight over, you know, you would wonder why the elected representatives even need to discuss it.

An important complement of earmarking is a procedure known as workload budgeting or current services budgeting. Automatically each year the costs of each program are notched upward, and that is the same way it would happen in Pennsylvania, Mr. President. The structural problem with budgets arises from the following facts: While the average annual growth rate of personal income in California for the last decade has hovered around eight percent per year, the tax revenues have been growing about seven percent. Spending has been growing at approximately 11 percent, and this year and next it has moved to beyond about 13 percent.

The budgeting phenomena of earmarking and workload budgeting really mean that when it comes to budgeting—the bread-and-butter function of the Legislature and Executive

Branches—our representatives have abdicated or let slip away their responsibilities. Missing from the current budget debate is the recognition of the extent to which government spending has ceased to be in the control of elected officials. This is why the spending reforms proposed by Governor Wilson and others, by themselves will not solve the problem, as this article so indicates.

I have some other articles I would like to share with you on this same subject. This is a 1983 USDOT report prepared by Don Pickrell, who was with the John F. Kennedy School of Government, and he is now at the Transportation Systems Center in Cambridge, Massachusetts. He also points out the inappropriateness of dedicated or earmarked taxes for mass transit funding.

Recognizing government's transportation policy, as they point out in this study from the John F. Kennedy School, the alarming deterioration in the financial condition of the U.S. public transit industry during the past decade also raises serious challenges to government policies toward urban transportation. There is accumulating evidence that growth and the availability of government operating assistance may itself be a primary cause of the escalation of costs and deficits. One of these challenges is clearly to reassess the design and operation of government subsidy programs for transit at the federal, state and local level. Local and state government agencies involved in transportation finance should very carefully, they point out in this report, evaluate decisions to earmark specific tax sources for transit assistance, since these decisions often exempt operating subsidies from much of the fiscal scrutiny normally applied to annual budget appropriations.

Similarly, state and federal transit assistance programs that distribute operating subsidies according to the formulae that fail to take financial and operating performance of the recipients into account need to be seriously reconsidered. The distribution formulae for these programs should be revised to establish specific incentives for transit operators to reduce operating expenditures per passenger, or passenger-mile carried, as well as to cover a large share of those expenses for farebox revenues.

Even if the distribution of operating subsidies can be rationalized to provide incentives for improved cost control and passenger-carrying productivity, their effectiveness is likely to be limited as long as subsidies continue to be offered only for conventional mass transit services operated by public authorities. Changes in the underlying cost structure in urban transit operations, together with continued evolution in urban transit demands, suggest that some of the vital, historically served by conventional bus and rail systems, could be served more efficiently at a lower cost by other travel modes. Further, in some urban travel corridors, private operators of conventional transit service may be able to provide it at a more reasonable cost than those now incurred by public transit authorities. Thus the most important challenge for government policies toward the nation's urban transit industry may be to reduce rather than to increase reliance on heavily subsidized conventional mass transit service. There is quite a nice discussion

here on the effects of guaranteed subsidies, and I thought that would be of interest to you, Mr. President.

Finally, this analysis attempts to test the effectiveness of guaranteed availability of government assistance on transit operating expenditures. It does so by examining the association of operating costs with the fraction of each system's operating budget derived from state and local tax sources that are specifically dedicated to finance transit assistance. While it is also tempting to introduce some measure of federal operating payments, the dominant role of population and population density in the Section 5 distribution formula makes it nearly impossible to separate any effect of operating assistance from those of the population and density variables themselves.

The potential for confusing the direction of causality between federal subsidies and the unit cost levels introduced by including such a measure would also be difficult to avoid without a considerably more complex model, more complete and reliable data, and perhaps more complicated statistical techniques than those used here. The guaranteed, specifically earmarked nature of assistance funded from dedicated local and state tax sources makes the anticipated direction of their potential effects on transit expenditures much clearer than is the case with federal assistance. Although it certainly seems reasonable to hypothesize a similar effect of federal subsidies, federal payments under fixed formulas are not reported separately from discretionary assistance—

POINT OF ORDER

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

The PRESIDING OFFICER. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, I raise a point of order that the gentleman is not debating the specifics of this bill.

The PRESIDING OFFICER. The gentleman does appear to be debating the subject matter at hand, but the gentleman's point is well made from the standpoint that you could proceed with the process. We remind the gentleman from Centre County of the time of day and all the things that have happened in the previous two days, if he would make every effort to make his point.

Senator CORMAN. Mr. President, I will try to move along expeditiously, but you have to admit we are talking about dedicated earmarked taxes for a transit organization, and that is what the piece of legislation is all about.

Senator BELL. Mr. President, how many movers are necessary to move the previous question?

The PRESIDING OFFICER. If it is moved, it needs to be seconded by four Senators.

PREVIOUS QUESTION MOVED

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

The PRESIDING OFFICER. Senator Bell has moved the previous question.

Senator CORMAN. Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. Are there four seconds? The Chair sees none. The motion fails.

Senator CORMAN. Mr. President, I withdraw my question.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Jubelirer, Senator Tilghman, Senator Salvatore, Senator Loeper and Senator Helfrick.

The PRESIDING OFFICER. Senator Fisher requests temporary Capitol leaves for Senator Jubelirer, Senator Loeper, Senator Tilghman, Senator Salvatore and Senator Helfrick. Seeing no objections, the leaves will be granted.

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Musto and Senator Andrezski who have been called to their Capitol offices.

The PRESIDING OFFICER. Senator Lincoln requests temporary Capitol leaves for Senator Musto and Senator Andrezski. Hearing no objection, the leaves will be granted.

And the question recurring,

Will the Senate concur in the remainder of House amendments to Senate amendments?

Senator CORMAN. Mr. President, are leaves of absence germane to my discussion?

The PRESIDING OFFICER. I am not sure but the gentleman may proceed.

Senator CORMAN. It also provides some evidence that government operating assistance weakens transit managers' incentives for cost control sufficiently to allow part to be absorbed by higher cost operating expenditures.

Another important part of this report from the Kennedy School says, nevertheless, the most important sources of cost escalation including explosive wage and fringe benefits increases and unnecessarily protective labor agreement provisions hampering the productive use of labor are more directly subject to management control. Others, principally the distribution of operating assistance without regard for its effects of managerial incentives, are the product of well-intentioned but conceptually errant government policies. It is a very good study on the subject of earmarking taxes and obviously it encourages governmental units not to pursue them.

Moving on, Mr. President, yet on the same subject, I would like to point out a study by the University of Mississippi. They also did a study on earmarking of tax revenues. They also have quite a lengthy document here suggesting that is certainly not the way to go for governments, to earmark taxes for transit organizations. I know how everyone is waiting on the edge of their seats for me to read it to them, and I will pass it up and I will move on to my next document.

My next document is earmarking of state taxes. There is a booklet put out by the National Conference of State Legislatures. This was copyrighted in 1987 by the National Conference of State Legislatures, and they have an executive summary. It might be interesting rather than reading the entire booklet if we merely talk about the executive summary. They suggest on the first page that earmarking is controver-

sial, involving complex political and analytical issues. Common criticisms of earmarking include the allegations that it hampers budgetary control, leads to misallocation of resources, makes the revenue structure inflexible, and infringes upon the policymaking prerogatives of the Executive Branch and the Legislature.

PREVIOUS QUESTION MOVED

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

The PRESIDING OFFICER. Senator Bell moves the previous question. Are there four seconds to the gentleman's motion?

Senator FUMO. I second the motion.

Senator HOPPER. I second the motion.

Senator HELFRICK. I second the motion.

Senator LaVALLE. I second the motion.

The PRESIDING OFFICER. I think we have four seconds which is the required amount.

ABSENCE OF QUORUM

Senator CORMAN. Do we have a quorum, Mr. President?

Senator BELL. Can I vote proxies? I can give you ten more.

Senator CORMAN. Mr. President, I believe a quorum is made up by people present. Is it not, Mr. President?

The PRESIDING OFFICER. Senator Corman has suggested the absence of a quorum. Are there four seconds to the gentleman's inquiry on the quorum?

PARLIAMENTARY INQUIRY

Senator CORMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Mr. President, do you mean the proper procedure is if people suggest there is a quorum, that is merely it? Is there not a roll call to determine if, in fact, there is a quorum present?

The PRESIDING OFFICER. If there are four seconds to the gentleman's request for a quorum, then there will indeed be the roll call for the quorum. Otherwise, it is assumed that there is a quorum. Again, the question would be, are there four seconds?

Senator RHOADES. I second the inquiry.

Senator PECORA. I second the inquiry.

Senator HOPPER. I second the inquiry.

Senator HOLL. I second the inquiry.

The PRESIDING OFFICER. There are, indeed, four seconds to the gentleman's inquiry on the quorum. Being a quorum call, no one on leave can be voted. The Clerk will call the roll. Those Members present on the floor will be polled.

PARLIAMENTARY INQUIRY

Senator FUMO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, the gentleman has questioned a quorum. He has his four seconds. May we proceed with the roll call to see if there is a quorum?

The PRESIDING OFFICER. That is what I just ordered a roll call for, Senator Fumo.

PARLIAMENTARY INQUIRY

Senator CORMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Mr. President, I am inquiring as to if the votes may only be cast by those present on the floor. Is that correct?

The PRESIDING OFFICER. Only those present on the floor may cast votes. We cannot vote people on leave. They have to come onto the floor.

QUORUM PRESENT

The Clerk called the roll and the following Senators were present:

Afflerbach	Fumo	Lemmond	Rhoades
Andrezski	Greenleaf	Lewis	Robbins
Armstrong	Greenwood	Lincoln	Salvatore
Baker	Hart	Loeper	Schwartz
Bell	Helfrick	Madigan	Shaffer
Bortner	Holl	Pecora	Shumaker
Brightbill	Hopper	Peterson	Stewart
Corman	Jones	Porterfield	Stout
Fattah	Jubelirer	Punt	Wenger
Fisher	LaValle		

The PRESIDING OFFICER. Thirty-eight Members answering present, the Chair finds the presence of a quorum.

And the question recurring,

Will the Senate concur in the remainder of House amendments to Senate amendments?

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

Senator BELL. Mr. President, I have been assured by my floor leader that the gentleman only desires two more minutes to wrap up his speech. I would therefore, with the concurrence from my seconds, withdraw my motion with the understanding that in five minutes I am going to make it the second time.

The PRESIDENT pro tempore. Senator Bell withdraws the motion.

Senator CORMAN. Mr. President, I thank the gentleman from Delaware, Senator Bell, and I thank you, Mr. President. I will wrap up. I think I have made my point. There are a lot of people in Pennsylvania who will not benefit from the passage of this legislation but all will pay. There are reams and reams of material saying what we are about to do if we pass it is not the right thing to do for government but, in fact, the wrong thing. I would encourage all of my colleagues to join me in voting "no" on this portion of the legislation.

Senator LINCOLN. Mr. President, I think what we are discussing in this portion of this bill is a very good microcosm of

Pennsylvania, in that it is a wonderful state in its diversity. Even though there are many of us throughout the state who may not benefit as greatly as others from the intention of this part of this bill, I think it is really the secret to why Pennsylvania has been somewhat successful when other states have not been over the years. We have to realize there are times when certain aspects of funding in state government are not going to go on an equal basis or distributed even somewhat equally over the course of the state. Major urban areas of our state are dependent upon mass transportation. There has been a major move on the federal level to bring about a more dedicated or a more sound funding mechanism. I would urge that we support this particular section of this bill as strongly as we supported the other section that we passed a few minutes ago. I would ask for a "yes" vote.

Senator STOUT. Mr. President, I will be very brief. It is essential that this bill be passed in order to preserve for Pennsylvania some \$146 million worth of federal funds that could be lost if we do not pass a dedicated funding source for mass transit. Every Member in this Chamber should be familiar with this issue and now we have to do that. It has to be in place by the end of September. It is my understanding when we adjourn, there will be a motion, we will not be back here in time to get this done. So let us go ahead and pass this legislation to ensure and prevent the loss of some \$146 million worth of federal highway funds paid by Pennsylvanians and due to Pennsylvania.

Senator RHOADES. Mr. President, I will be even shorter than my good friend, the gentleman from Washington, Senator Stout. I am going to use some of his down home logic. Cut it, slice it or fry it, baloney is still baloney, and the way you are fronting this bill is nothing but baloney.

Senator CORMAN. Mr. President, I have to rise to respond to what the gentleman from Washington, Senator Stout, said because it is inaccurate information.

Senator BELL. Mr. President, I think we have a rule somebody can only speak twice on a bill. I think this is the third time for the gentleman from Centre, Senator Corman.

The PRESIDENT pro tempore. I was off the floor. I am told he has only spoken once.

Senator BELL. Mr. President, if he is brief and does not filibuster, I will withdraw my objection.

The PRESIDENT pro tempore. I believe he wants to clarify the point of the gentleman from Washington, Senator Stout.

Senator CORMAN. Mr. President, the passing of this piece of legislation is not the only solution to the Gray amendment that would cost us money. In fact, Congressman Shuster has inserted into the Surface Transportation Act legislation that would set aside the Gray amendment. As well, Senator Stout himself has sponsored a resolution that, if passed, would also avoid us losing those dollars.

Senator BAKER. Mr. President, I am loath to extend this debate except for a very brief period. I think we risk losing something that is very important that has developed during the negotiations over this particular package, and that is the end of the battle between highway funding and mass transit

funding and the blending of them together in the recognition that all forms of transportation need to be dealt with, both in terms of capital and operating costs, maintenance costs, et cetera. I feel it is very important that we provide capital for the type of funding that this package will provide. I do feel that the gentleman from Centre, Senator Corman, is making an important point. I take his point to be from the massive material he has presented, that competitive contracting offers a great deal of potential efficiency in transportation, and his chagrin that it is not being included in this package, I think, is worthy of note. Since he is the Chairman of the Senate Committee on Transportation, I fully expect that he will have many opportunities in the future to develop his thoughts further.

I do have a question and I am not sure anyone is able to answer it at this time, but the bill as it was received from the House does include asset maintenance in the capital portion, and I am hoping if someone is present who can answer the question as to how it is to be interpreted that they will do so at this time.

The PRESIDENT pro tempore. Since Senator Baker has raised the question, I do not know. Senator Lincoln, do you wish to respond?

Senator LINCOLN. Mr. President, my understanding is that it just conforms with federal capital standards.

The PRESIDENT pro tempore. I do not know if that answers the question. Senator Baker, is that—

Senator BAKER. Mr. President, does that mean that Senator Lincoln knows what the federal standards are?

Senator LINCOLN. Mr. President, if I were required to know federal standards on every issue that I voted on in this Chamber, I am afraid I would have to—

The PRESIDENT pro tempore. I think the answer is no. I do not think anybody is rising to respond to your question, Senator Baker.

Senator BAKER. Mr. President, let me just conclude then by saying that I think it is important that we keep the coalition together for transportation finance for both highways and mass transit.

The PRESIDENT pro tempore. The question before the Body is, will the Senate concur in House amendments to Senate amendments in House Bill No. 840 on the mass transit portion of the bill, beginning with page 1, going to the middle of page 15?

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

YEAS—30

Afflerbach	Fattah	Lincoln	Scanlon
Andrezeski	Fisher	Loeper	Schwartz
Baker	Fumo	Lynch	Stapleton
Belan	Greenleaf	Mellow	Stewart
Bell	Holl	Musto	Stout
Bodack	Jones	Porterfield	Tilghman
Bortner	LaValle	Salvatore	Williams
Dawida	Lewis		

NAYS—20

Armstrong	Helfrick	O'Pake	Rhoades
Brightbill	Hopper	Pecora	Robbins
Corman	Jubelirer	Peterson	Shaffer
Greenwood	Lemmond	Punt	Shumaker
Hart	Madigan	Reibman	Wenger

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Holl. His temporary Capitol leave is cancelled.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, August 4, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 7, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 7, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

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 804, 1551, 1552, 1553, 1554, 1556, 1564, 1570 and 1579.**

BILLS SIGNED

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

HB 89, 185, 221, 804, 1536, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590.

PETITIONS AND REMONSTRANCES

Senator FUMO. Mr. President, I would be remiss if today I did not specifically thank a number of people who assisted greatly during the last few weeks in helping us resolve this crisis. First and foremost, I would like to thank Senator Mellow, my floor leader, for giving me the leeway, not only this year but in prior years, to negotiate to the best of my abilities what we could for our caucus, and I want to thank him this year for his participation and for his help. I also want to thank my good friend Senator Lincoln who occasionally keeps me calm except when his head is riding at the heat of anger.

Mr. President, specifically on the staffs, I would like to thank Paul Dlugolecki, our Executive Director, for the fine job he did in his quiet, easy way of keeping things moving along; Virginia Joyce, for her help on the pension bill; Sandy Leopold, for his help on the child welfare bill; Jerry Sabol, for his extraordinary work on the education formula; Randy Albright, for his terrific work on the transportation bill; and Liz Sheehan, for her great service on the lottery preservation bill. Also, I would like to thank our clerical staff: Susan Swett, my secretary who is not with us now, although she put in 30 hours today; Vicki Strohm who also went home; and Monica Eutzy; and Tom Guelcher for following the Calendar and Pete Freeman and his staff in the Computer Department.

Mr. President, also the guy who had the toughest job of all of putting together the toughest bill to vote for it all, John Raymond on the tax bill. It was an intricate and very complex problem. He spent at least three days here—I should say three complete nights—and we did not see them in the mornings when we had to send them home.

On Senator Mellow's staff I would like to thank C. J. Hafner, our Chief Council; Jim Tanase, Mike Korposh and Neil Malady for their excellent work. Yes, Mr. President, on that side of the aisle I would like to thank the individual who still, as I understand, has a reservoir of goodwill left in this General Assembly, Steve MacNett, as well as Mr. Bittenbender and his staff from the Republican Committee on Appropriations.

Mr. President, without the aid of these loyal and dedicated state employees and Senate staffers, we would not be where we are today. We would not be as eloquent as I think we are on the floor, and we certainly would never be as knowledgeable as I know we are on these issues. It is also important to note that these people on this staff, unlike their colleagues in the House, served from the very first day without pay. It caused them as well as the other Senate staff members untold grief for their families, and we apologize to them for any harm we inflicted upon them in particular, because they could have been paid but they stood with us and waited until everyone else could be paid. Mr. President, again I thank my colleagues in this Chamber for helping us to resolve these issues in a positive way, and I wish everyone a very good summer.

Senator FISHER. Mr. President, I, too, would just like to follow up on the words echoed by Senator Fumo. This year was the first opportunity that I had to participate in the

budget negotiation process. I certainly saw a lot of hard work, arduous days, a lot of tedious work that was put in by many, many dedicated people who have been mentioned by Senator Fumo. Certainly I want to extend my comments and my praise to our Majority Leader, Senator Joe Loeper, for all of the outstanding work that he did representing our caucus. We worked as a team. We had an outstanding staff on this side that was here day in, day out, night in, night out. I believe that from the perspectives that I saw, the firsthand perspectives, that the interests of our caucus and the interests of the people who we represent were, in fact, well represented during the budget negotiation process.

Senator STOUT. Mr. President, since the last few days here we have been saying back down home that we have been working from can to can't, from when you can see in the morning, till you can't see at night. I would just like briefly to comment on the transit legislation and highway funding that passed here a few minutes ago. That legislation, those two proposals, were literally joined at the hip. We accept precedence in creating a dedicated funding source for mass transit and to preserve federal dollars due Pennsylvania and to assure ongoing operations for transit in this Commonwealth. But more importantly, in the area on highways, with the additional \$240 million we will be providing \$100 million of needed maintenance funding in this Commonwealth that will reflect in every district, every county in this Commonwealth. We have also provided \$40 million for capital construction to continue our ongoing highway improvement projects in this state. The \$30 million needed for funding for bridge replacement and repair is unique, something near and dear to the President and myself and other Members, in identifying for the first time approximately \$5 million a year for county bridges and for so-called forestry bridges. In the county bridges, Pennsylvania has an historic asset in this Commonwealth. It is called covered bridges that stretch from Bedford County and to Washington County and Lancaster County and many of the counties of this Commonwealth that we want to preserve and repair so our posterity will be able to enjoy the historic value of covered bridges in this Commonwealth. Also \$30-some million for local roads that come back into the townships and the municipalities to help maintain their local road system is vital to our highway network. But for the first time we are going to identify approximately \$35 million to be used towards Act 61 of 1985, the so-called toll road expansion legislation. That is legislation I started working on with many Members at that time in the General Assembly. Many of them are not with us today, and it took a number of years to get that legislation passed and moved forward. I knew at the time we needed to have a dedicated source to enable us to leverage out our federal dollars to be able to build these vital road links, and they are really avenues and boulevards of opportunity and economic development which we need so badly throughout this Commonwealth, particularly in southwestern Pennsylvania with our changed economy. So, likewise, I think we have made some historic things in the last few days.

I also want to give my thanks to the leadership on my side of the aisle and across the aisle for the people who worked so diligently and the staff who did that. But also I would like to recognize and say a few words about one of the new negotiators who happens to be one of my Legislators, Bill DeWeese, the Majority Leader in the House. Bill has been in that position for just a little over a year and stepped into a very difficult situation in putting together the budget, the tax package and all the other important legislation. I think Bill really showed his mettle, and we all know he likes to have the decorum of the Marine Corps, and so forth, but I think Bill was severely tested, but he met that test along with a new Majority Appropriations Chairman in Representative Dwight Evans, and all of their people who worked together.

Also, in concluding, wrapping up until October, I want to wish each and every one of my colleagues and the staff here in the Senate an enjoyable summer.

BILL SIGNED

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

HB 840.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Monday, October 7, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 6:45 p.m., Eastern Daylight Saving Time.