

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 10, 1992

SESSION OF 1992 176TH OF THE GENERAL ASSEMBLY

No. 11

SENATE

MONDAY, February 10, 1992.

The Senate met at 3:05 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend DAVID WEEKS, Pastor of Shalom Baptist Church, Philadelphia, offered the following prayer:

Eternal and gracious God, we give thanks to Thee for Your manifold blessing unto us. We thank You, Eternal God, for this day you have given unto us, a day that we have not seen before. We gather here, Father, with the Senate of the State of Pennsylvania. We come asking Thy blessing be upon these men and these women whom You have brought into power. They sit here at Your discretion because You have put them here. We pray, Eternal God, that as they grapple with the tremendous problems that face this nation and this state, that You will give them divine wisdom. As they look at the deficit and the many needs across this state, give them, Eternal God, the wisdom to represent their constituency as well as to represent all of the residents of the State of Pennsylvania.

Endow them with wisdom that they may find solutions to the complex problems that face our cities as well as our farmlands. We ask that this deliberation of the day might be to the glory of You who have brought them into being, for we ask this in the precious name of Your Son Jesus and for His sake. Amen.

The PRESIDENT. The Chair thanks Reverend Weeks who is the guest this week of Senator Jones.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 5, 1992.

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.

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

DISTRICT JUSTICE

February 6, 1992.

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, Melissa K. Dively, Esquire, 127 Handwork Road, Markleton 15551, Somerset County, Thirty-second Senatorial District, for appointment as District Justice in and for the County of Somerset, Magisterial District 16-3-05, to serve until the first Monday of January 1994, vice Frances L. Cornish, resigned.

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1631**.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

February 10, 1992

HB 416 — Committee on Environmental Resources and Energy.

HB 1305 — Committee on Local Government.

HB 1704 — Committee on Consumer Protection and Professional Licensure.

HB 1887, 1888, 2010 and 2156 — Committee on State Government.

HB 1925 — Committee on Judiciary.

HB 2166 — Committee on Banking and Insurance.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

February 10, 1991

Senators HOPPER, FISHER, LOEPER, TILGHMAN, ARMSTRONG, HOLL, WENGER, BELL, SALVATORE, CORMAN, SHUMAKER, PECORA, ROBBINS, PORTERFIELD, BRIGHTBILL, LEMMOND, MADIGAN, GREENWOOD, BORTNER, RHOADES, PUNT, HART, HELFRICK, PETERSON and BAKER presented to the Chair **SB 1540**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," repealing the tax on annuity considerations.

Which was committed to the Committee on FINANCE, February 10, 1992.

Senators BAKER, TILGHMAN, HELFRICK, PUNT and MADIGAN presented to the Chair **SB 1541**, entitled:

An Act repealing certain laws relating to separate specifications and contracts for the erection, construction and alteration of public buildings.

Which was committed to the Committee on STATE GOVERNMENT, February 10, 1992.

Senators BAKER, TILGHMAN, HART, SHAFFER, HOPPER, REIBMAN, BELL, PORTERFIELD, HELFRICK, CORMAN, MADIGAN, STEWART, SALVATORE and RHOADES presented to the Chair **SB 1542**, entitled:

An Act amending the act of August 4, 1991 (P. L. , No. 7A), entitled "General Appropriation Act of 1991," restoring certain funds relating to the Ben Franklin Partnership Fund.

Which was committed to the Committee on APPROPRIATIONS, February 10, 1992.

Senators FISHER, MUSTO, SHAFFER, BELL, CORMAN, HART, REIBMAN and SCHWARTZ presented to the Chair **SB 1543**, entitled:

An Act providing for the recycling of containers holding liquor and other alcoholic beverages.

Which was committed to the Committee on LAW AND JUSTICE, February 10, 1992.

Senators SHAFFER, O'PAKE, GREENWOOD, ROBBINS, HOPPER, LAVALLE, PUNT, HELFRICK, HART, SCHWARTZ, FISHER, MADIGAN, ANDREZESKI, BAKER, RHOADES, SALVATORE and HOLL presented to the Chair **SB 1544**, entitled:

An Act suspending certain new job creation requirements for certain loan or grant assistance.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 10, 1992.

Senators SHAFFER, O'PAKE, GREENWOOD, ROBBINS, HOPPER, LAVALLE, PUNT, HELFRICK, HART, FISHER, MADIGAN, ANDREZESKI, BAKER, RHOADES, SALVATORE and HOLL presented to the Chair **SB 1545**, entitled:

An Act relating to a capital access program in the Department of Commerce; providing for a loan program for industrial, commercial and agricultural purposes; prescribing powers and duties of the Department of Commerce; creating a Capital Access Fund; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 10, 1992.

Senator GREENLEAF presented to the Chair **SB 1546**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for State-wide elderly volunteer programs involving work with children.

Which was committed to the Committee on AGING AND YOUTH, February 10, 1992.

Senators SALVATORE and ANDREZESKI presented to the Chair **SB 1547**, entitled:

An Act providing for health insurance coverage at an affordable level; imposing powers and duties upon the Insurance Department; and making repeals.

Which was committed to the Committee on BANKING AND INSURANCE, February 10, 1992.

Senator BELL presented to the Chair **SB 1548**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," providing for assessment of insurance companies, associations and exchanges for the purposes of investigating and prosecuting insurance fraud; and making an appropriation.

Which was committed to the Committee on BANKING AND INSURANCE, February 10, 1992.

Senator BELL presented to the Chair **SB 1549**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for false alarms to agencies of public safety.

Which was committed to the Committee on JUDICIARY, February 10, 1992.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

February 10, 1992

MEMORIALIZING CONGRESS TO AMEND THE BUDGET ENFORCEMENT ACT OF 1991 TO ALLOW FOR TRANSFERS OF SAVINGS IN THE MILITARY ACCOUNT TO THE DOMESTIC BUDGET IN ORDER TO MEET THE NATION'S SOCIAL AND ECONOMIC NEEDS

Senators SCHWARTZ, LaVALLE, BELAN, STOUT, PORTERFIELD, REIBMAN, MELLOW, STEWART, DAWIDA, JONES, BODACK, SCANLON, STAPLETON, MUSTO, AFFLERBACH, LEWIS, ANDREZESKI and FATTAH offered the following resolution (**Senate Resolution No. 129**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 10, 1992.

A RESOLUTION

Memorializing Congress to amend the Budget Enforcement Act of 1991 to allow for transfers of savings in the military account to the domestic budget in order to meet the nation's social and economic needs.

WHEREAS, The Commonwealth of Pennsylvania faces an increasing array of critical needs which cannot be met by State revenues; and

WHEREAS, State and local government responsibilities for providing human services and paying for infrastructure needs have increased over the past decade, as have Federal mandates to do so; and

WHEREAS, Federal aid to states and communities has dropped from 29.4% to 16% of their budgets over the past decade; and

WHEREAS, These funding cuts, combined with the effects of the recession, have increased the probability of budget crises in human services, which will increase homelessness, hunger and health risks for our citizens; of cuts in aid to public schools, day care and higher education, which will hinder our ability to help our young people prepare for responsible and productive adult lives; of reductions in public health services and in hazardous waste cleanup programs, which will endanger the health of our citizens; of cuts that debilitate corrections and youth services, which will decrease public safety; and of cuts in infrastructure development, maintenance and repair, which will increase transportation problems and inhibit economic development; and

WHEREAS, The recent end of the Cold War, the dissolution of the Soviet Union and the continuing decline of communism have significantly reduced the need for military spending; therefore be it

RESOLVED, That Congress is hereby memorialized:

(1) to amend the Budget Enforcement Act of 1991 to allow for transfers of savings in the military account to the domestic budget;

(2) to reduce military spending to a level more appropriate to the post-Cold War world environment, thereby providing savings that can be transferred to meet the nation's enormous social and economic needs; and

(3) in order to avoid unnecessary economic dislocation and human suffering, to develop a mechanism to provide for timely and orderly economic conversion of personnel and industries from military to civilian enterprises; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

GENERAL COMMUNICATION

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

February 3, 1992

To the Honorable, the Senate of the Commonwealth of Pennsylvania

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from January 1, 1992 through January 31, 1992 inclusive, for the 176th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

BILL SIGNED

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

HB 1631.

SPECIAL ORDER OF BUSINESS

GUEST OF SENATOR GIBSON E. ARMSTRONG PRESENTED TO SENATE

Senator ARMSTRONG. Mr. President, in the gallery we have with us today Karen Hammaker who is a senior at Columbia High School. She was elected state Senator from Columbia High School during the Youth in Government Day. She plans to attend college and major in sports medicine.

The PRESIDENT. Would the guest of Senator Armstrong please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission is given for the Committee on Appropriations to meet during today's Session to consider House Bill No. 1403.

REPORTS FROM COMMITTEES

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

SB 1536 (Pr. No. 1886)

An Act providing for the adoption of a capital budget for the Pennsylvania Fish and Boat Commission.

HB 960 (Pr. No. 2875)

An Act exempting owners of dog training and special retriever training areas from any civil or criminal actions relating to noise pollution.

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

SB 770 (Pr. No. 1908) (Amended) (Rereported)

An Act providing for the selection of registered architects, professional engineers, landscape architects and land surveyors to provide professional services to Commonwealth agencies.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for Senator Pecora and a temporary Capitol leave for Senator Hopper.

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Jones and legislative leaves for Senator Lewis and Senator Lynch.

The PRESIDENT. Senator Fisher requests legislative leave for Senator Pecora and temporary Capitol leave for Senator Hopper. Senator Mellow requests temporary Capitol leave for Senator Jones and legislative leaves for Senator Lewis and Senator Lynch. The Chair hears no objection. Those leaves will be granted.

SENATE CONCURRENT RESOLUTION**RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, February 10, 1992.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 9, 1992, 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, March 9, 1992, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

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

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

YEAS—50

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

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

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an intention of returning to the floor at approximately 4:15 p.m.

Senator MELLOW. Mr. President, I would ask the Democratic Members to report to our caucus room immediately upon the conclusion of the Session.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

AFTER RECESS

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

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 1****SECOND CONSIDERATION CALENDAR
BILL ON SECOND CONSIDERATION
AND REREFERRED**

HB 2185 (Pr. No. 3103) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for certain deadlines relating to nominations.

Considered the second time and agreed to,
 Ordered, To be printed for third consideration.
 Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Rules and Executive Nominations.

CALENDAR

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 1209 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AMENDED

SB 559 (Pr. No. 1382) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting driving of pedalcycles on limited access highways; further providing for reports by police, for an exception for maximum wheel weights and for the determination of average fuel consumption for the motor carrier road tax; authorizing the Secretary of Transportation and the Secretary of Revenue to enter into road tax agreements; providing for the enforcement of liquid fuels and fuel use taxes; imposing a motor-bus road tax; providing penalties; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A2689:

Amend Title, page 1, line 2, by inserting after "Statutes,": further providing for the use of dealer registration plates;

Amend Sec. 1, page 1, lines 13 and 14, by striking out all of said lines and inserting:

Section 1. Section 1336(a)(2)(ii) and (b) of Title 75 of the Pennsylvania Consolidated Statutes, amended August 5, 1991 (P.L. , No.26), are amended to read:

§ 1336. Use of dealer registration plates.

(a) General rule.—

(2) Dealer registration plates may be used on any laden or unladen vehicle owned or in possession of a dealer or manufacturer, but only if the vehicle is being held for sale and is being used for any of the following purposes:

(ii) For testing vehicles in the possession of the dealer [or manufacturer] within a radius of 25 miles of the place of business of the dealer [or manufacturer]. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

(b) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as provided in subsection (a)(2)[, (5) and (6)] (i), (iv) and (v). The records shall be open to inspection by representatives of the department and police officers.

Section 2. Title 75 is amended by adding a section to read:

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

3

Amend Sec. 3, page 3, line 1, by striking out "3" and inserting:

4

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

5

Amend Sec. 5, page 11, line 17, by striking out "5" and inserting:

6

Amend Sec. 6, page 11, line 29, by striking out "6" and inserting:

7

Amend Sec. 7, page 12, line 6, by striking out "7" and inserting:

8

Amend Sec. 8, page 25, line 23, by striking out "8" and inserting:

9

Amend Sec. 9, page 26, line 3, by striking out "9" and inserting:

10

Amend Sec. 10, page 26, line 12, by striking out "10" and inserting:

11

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator AFFLERBACH.

BILL OVER IN ORDER

SB 1364 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 41 and 42 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 208 (Pr. No. 1880) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 246 and SB 298 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 401 (Pr. No. 2095) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," further providing for the vote on the review of the marketing program and for the collection of producer charges by sales agents.

Considered the second time and agreed to,

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

HB 719 (Pr. No. 2879) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing that the county pay a portion of appraisal costs along with the municipality and school district in certain appeals.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 757, 758, SB 792, HB 795, 994, SB 1052 and 1063 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

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

BILL ON SECOND CONSIDERATION AMENDED

SB 1085 (Pr. No. 1896) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for involuntary termination of parental rights.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BRIGHTBILL offered the following amendment No. A0524 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 2511), page 3, line 13, by striking out "or under a voluntary agreement"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

BILLS OVER IN ORDER

SB 1095 and 1267 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1329 (Pr. No. 1543) — The Senate proceeded to consideration of the bill, entitled:

An Act designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police Week" in Pennsylvania; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th.

Considered the second time and agreed to,

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

SB 1371 (Pr. No. 1601) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1379 and 1505 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1525 (Pr. No. 1861) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P. L. 340, No. 78), entitled "Public Safety Emergency Telephone Act," further providing for the definition of "telephone subscriber" and adding the definition of "person."

Considered the second time and agreed to,

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

SB 1539 (Pr. No. 1889) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for siting, criteria and limitations for commercial hazardous waste incinerators and impact assessments.

Considered the second time and agreed to,

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

HB 1549 (Pr. No. 3023) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing fines for fare evasions; further defining "emergency vehicle"; further providing for vehicles for which certificates of salvage have been issued, for the operation of certain vehicles by holders of Class C and Class M licenses, for disqualification for certain first offense violations, for third-party contracts to administer skills tests and for required financial responsibility; providing an exclusion for motorcycle operators from the surcharges levied to support the Catastrophic Loss Benefits Continuation Fund; and further providing for certificates of salvage and for allocation and appropriation of proceeds from taxes for highway maintenance and construction.

Considered the second time and agreed to,

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones and Senator Hopper. Their temporary Capitol leaves will be cancelled.

RECONSIDERATION OF SB 1539

Senator FUMO. Mr. President, I move to reconsider the vote by which the bill passed on second consideration.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on second consideration?

Senator FUMO. Mr. President, at this time I would move that Senate Bill No. 1539, Printer's No. 1889, be rereferred to the Committee on Environmental Resources and Energy.

The PRESIDENT. Senator Fumo moves that Senate Bill No. 1539 be rereferred to the Committee on Environmental Resources and Energy.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would ask for temporary Capitol leaves for Senator Helfrick and Senator Baker who have been called to their offices.

Senator FUMO. Mr. President, I would like to request temporary Capitol leave for Senator Dawida and a legislative leave for Senator Williams.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Helfrick and Senator Baker. Senator Fumo requests temporary Capitol leave for Senator Dawida and legislative leave for Senator Williams. The Chair hears no objection. Those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the motion?

Senator GREENLEAF. Mr. President, I rise in opposition to this motion. The committee that I serve on, the Committee on Environmental Resources and Energy, has already dealt with this issue. There is no need for this action, and I think it would be really a waste of time. I would support this legislation, and if I have an opportunity I will vote for it, and I think the Senate should have the right to vote on this legislation and not place it in the Committee on Environmental Resources and Energy which has already dealt with this issue. I do not believe that the chairman of that committee has requested this, nor does the chairman of that committee feel any need—I do not want to speak for him—for the Committee on Environmental Resources and Energy to continue to deal with this issue.

Senator FUMO. Mr. President, I did not intend to get into this issue too deeply, but the reason why I am asking this go back to the Committee on Environmental Resources and Energy is that, yes, the gentleman is right, we did deal with a bill that was similar to this. It was defeated, I believe, 30-18, and then this bill was introduced and somehow, inadvertently it must have been, got referred to the Committee on Agricul-

ture and Rural Affairs. This is a bill that deals with environmental resources problems, and I would like to see it go back to the Committee on Environmental Resources and Energy and if, in fact, it is the same identical bill, then they can so report to us because I am not familiar with all the nuances, and perhaps it will get reported out and get beat down again 30-18, but I do not know what this bill was doing in the Committee on Agriculture and Rural Affairs in the first place, Mr. President. That is why I think it should go to the Committee on Environmental Resources and Energy. It is clearly an environmental resources bill.

Senator LOEPER. Mr. President, I would ask for a negative vote on the motion.

Senator BRIGHTBILL. Mr. President, for the information of the gentleman from Philadelphia, Senator Fumo, we did have a similar bill to this that dealt with many similar issues, and in the committee's wisdom, we did move the issue along to get this issue before the Body so that, perhaps, knowing that we have dealt with the issue and that we have done our best and moved it to the Body, maybe Senator Fumo would like to withdraw his motion because we have dealt with it and really have done the best we can with it in our committee.

Senator FUMO. Mr. President, having been around this hill now for I think almost 14 years—it scares me to think I have been here this long—I do know one thing that the gentleman from Delaware, Senator Bell, taught me a long time ago and that is there are always lots of little nicks and crevices in these bills and I do not have the expertise of the Committee on Environmental Resources and Energy, and I would feel much more confident about voting on this legislation if it went back to that committee and they reported it out favorably again. I think then I would know it would be the exact same bill, but my big question, Mr. President, is that I have no idea how this got into the Committee on Agriculture and Rural Affairs. It must have been a mistake by whoever assigned it, and I am just trying to rectify that.

And the question recurring,

Will the Senate agree to the motion?

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

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 FUMO and were as follows, viz:

YEAS—24

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

NAYS—26

Afflerbach	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Shaffer
Baker	Hart	Peterson	Shumaker
Bell	Helfrick	Punt	Stapleton
Brightbill	Hopper	Rhoades	Tilghman
Corman	Jubelirer	Robbins	Wenger

Fisher Lemmond

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 second consideration?
It was agreed to.

The PRESIDENT. Senate Bill No. 1539 will be printed on the Calendar for third consideration.

RECESS

Senator LOEPER. Mr. President, I understand, in fact, there is a need for a meeting of the Committee on Rules and Executive Nominations, and I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber and then to be followed by consideration of certain executive nominations on the floor.

The PRESIDENT. For the purpose of a brief meeting of the Committee on Rules and Executive Nominations, the Senate will stand in brief recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

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

SECRETARY OF HEALTH

February 10, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 9, 1991 for the appointment of Dr. Allan S. Noonan, 1106 Gettysburg Pike, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as Secretary of Health, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice N. Mark Richard, M.D., Mount Lebanon, resigned.

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

ROBERT P. CASEY.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD OF NURSING

October 21, 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, Brenda E. Brown (Public Member), 403 Rochelle Street, Pittsburgh 15210, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen Reigle, Harrisburg, whose term expired.

ROBERT P. CASEY.

SECRETARY OF PUBLIC WELFARE

October 30, 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, Karen Snider, 20 Manor Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Public Welfare, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified, vice The Honorable John F. White, Jr., Hummelstown, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator SALVATORE, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

SECRETARY OF HEALTH

February 10, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 9, 1991 for the appointment of Dr. Allan S. Noonan, 1106 Gettysburg Pike, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as Secretary of

Health, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice N. Mark Richard, M.D., Mount Lebanon, resigned.

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

ROBERT P. CASEY.

NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD OF DENTISTRY

October 28, 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, Norman C. Clark, D.M.D., 7756 Green Valley Road, Wyncote 19095, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Saul W. Greenwald, D.D.S., Indiana, whose term expired.

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—49

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

NAYS—1

Stapleton

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

November 27, 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, John W. Kuhn, 413 Manor Drive, Nazareth 18064, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Louis A. Orlando, New Castle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

November 15, 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, C. Scott McNamara, R. D. 1, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION

January 29, 1992.

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, Andrew T. Greenberg (Voting Member), 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice The Honorable Raymond Christman, resigned.

ROBERT P. CASEY.

SECRETARY OF COMMERCE

August 19, 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, Andrew T. Greenberg, 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Raymond R. Christman, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

October 24, 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, Virginia L. Brown, 5720 Pemberton Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years or until her successor is appointed and qualified, vice Joseph Levi, II, Oil City, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

October 21, 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, Pamela Evans, 321 Penn Valley Road, Bernville 19506, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Patricia J. Bressler, Leesport, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

December 10, 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, Ernest E. Heckman, R. D. 3, Box 3168, Hamburg 19526, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Sharon A. Seaman, Kempton, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF PHARMACY

November 5, 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, Ethel S. Walker, 720 Harding Avenue, Williamsport 17701-2403, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until June 24, 1992 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Orlean C. Ricco, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

October 24, 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, Gerri H. Walker, 454 West Clapier Street, Philadelphia 19141, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1996, and until her successor is appointed and qualified, vice Ronald Reese, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF
EXAMINERS IN SPEECH-LANGUAGE
AND HEARING

October 21, 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, Dr. William R. Henwood, 291 Buhl Boulevard, Sharon 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Alvin A. Kinsel, M.D., Pittsburgh, confirmed to another position.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF
EXAMINERS IN SPEECH-LANGUAGE
AND HEARING

January 6, 1992.

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, Judith A. Lapinski, R. D. 1, Box 10, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Martha H. Blasler, Alexandria, Virginia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

October 9, 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, Joy Louise Ellwanger, 2283 West Pine Grove Road, Pennsylvania Furnace 16865, Huntingdon County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY BOARD OF ASSISTANCE

November 15, 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, Robert Isacke (Republican), 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

November 22, 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, Rose Reeder (Democrat), Star Route, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

November 22, 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, Dottie Walker (Democrat), 129 Woodward Avenue, Lot 53, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

DISTRICT JUSTICE

December 27, 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, Thomas M. Gauby, Sr., Box 1359, R. D. 1, Leesport 19523, Berks County, Forty-eighth Senatorial District, for appointment as District Justice in and for the County of Berks, Magisterial District 23-3-05 to serve until the first Monday of January, 1994, vice Douglas H. Heydt, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

Afflerbach	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.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

December 12, 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, Steven R. Geroff, Esquire, 409 R Kismet Road, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Norman Jenkins, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

January 16, 1992.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James F. Malone, III, Esquire, 24 Edgewood Road, Pittsburgh 15215, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

October 10, 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, Neil W. Regan, 1900 Pittston Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Henry J. Nimmons, Philadelphia, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart

Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

NAYS—26

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

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

NOMINATION LAID ON THE TABLE

Senator SALVATORE. Mr. President, I move that the Senate reconsider the vote by which the nomination of Andrew T. Greenberg, as Secretary of Commerce, was confirmed.

The motion was agreed to.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator SALVATORE. Mr. President, I move that the nomination be laid on the table.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

SB 2 (Pr. No. 1668)

An Act providing for the issuance and sale of certain bonds; and further providing for duties of the Pennsylvania Higher Education Assistance Agency.

SB 819 (Pr. No. 1877)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens and nonresidents and tourists; and making editorial changes in Title 18, 30, 42 and 66 relating to the official name of the Pennsylvania Fish and Boat Commission.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 128 (Pr. No. 1890)

A Resolution amending Senate Resolution No. 7, adopted March 19, 1991 entitled "A resolution creating a Senate Task Force to investigate and recommend ways to attract and retain volunteer fire, ambulance and rescue personnel and to enhance cooperation from Pennsylvania businesses to support volunteer services," extending the date for task force activity; and making an editorial change.

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

SENATE RESOLUTION**DESIGNATING MARCH 10, 1992, AS "MUSIC THERAPY DAY" IN PENNSYLVANIA**

Senators BRIGHTBILL, HART, HOPPER, MADIGAN, BAKER, LEMMOND, MELLOW, O'PAKE, CORMAN, REIBMAN, SALVATORE, HOLL, GREENLEAF, LaVALLE, JONES and WENGER offered the following resolution (**Senate Resolution No. 130**), which was read, considered and adopted:

In the Senate, February 10, 1992.

Designating March 10, 1992, as "Music Therapy Day" in Pennsylvania.

WHEREAS, Music therapy began as an innovative and effective treatment for our Nation's veterans and was first practiced in our Veteran's Administration hospitals after World War II; and

WHEREAS, Today, over 5,000 music therapists nationwide offer the promise of more rewarding, more fulfilling and less painful lives for millions of people; and

WHEREAS, Music therapy is an effective means of treatment of the mentally and physically handicapped, the mentally retarded, the emotionally disturbed, the developmentally disadvantaged, the aged and the very young; and

WHEREAS, This Commonwealth is the home of seven of the Nation's finest music therapy degree-granting higher education institutions; and

WHEREAS, The Mid-Atlantic Region Association for Music Therapy is holding its annual conference at the Sheraton Hotel at Station Square in Pittsburgh on March 26, 27 and 28, 1992; therefore be it

RESOLVED, That the Senate designate March 10, 1992, as "Music Therapy Day" in Pennsylvania; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Mid-Atlantic Region Association for Music Therapy.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to John J. Tallarico, Jr. and to Gregory R. Hoffman by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. William L. Gable, John McGrane, Sr., 1st Lieutenant Douglas Zaenger and to Muiga Kwanza by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Karl Thomas, Mr. and Mrs. Elwood Becker, Mr. and Mrs. Clarence Altland, Mr. and Mrs. Leroy Wherley, Mr.

and Mrs. Robert Wolfgang, Mr. and Mrs. Gregory Zartman, Mr. and Mrs. George Anderson, Mr. and Mrs. Edwin Clouser, Mr. and Mrs. Norman Fetrow, Mr. and Mrs. Spurgeon Kimmel, Mr. and Mrs. Kenneth Slenker, Mr. and Mrs. James Fulton, Mr. and Mrs. Leonard Stoeckle and to South Western High School Band of Hanover by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. E. Clair Fisher by Senator Corman.

Congratulations of the Senate were extended to Tim Weese by Senator Fisher.

Congratulations of the Senate were extended to Corporal Kevin J. Dwyer by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Clive Posey, Mr. and Mrs. Kenneth B. Watts, Mr. and Mrs. Daniel Edelman, Reverend and Mrs. Milton R. Wildermuth, Mr. and Mrs. John Wilson, Sr., Mr. and Mrs. Leo Balestrini, Mr. and Mrs. Marlin Dunham and to Devon Jo Orner by Senator Helfrick.

Congratulations of the Senate were extended to Alex Grass by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Willie Grier, Sr. and to Reverend Perry E. Evans by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Ivan Mearkle, Mr. and Mrs. Kenneth Over, Mr. and Mrs. Merle W. Lightner and to Colleen Hite by Senator Jubelirer.

Congratulations of the Senate were extended to Keith Rinehimer by Senator Lemmond.

Congratulations of the Senate were extended to Daniel Zaleski, Donald Zaleski, Julius Burden and to Joseph Calandi by Senator Mellow.

Congratulations of the Senate were extended to Reverend Joseph Ferrara by Senator Musto.

Congratulations of the Senate were extended to Joseph D. Motta by Senator Rhoades.

Congratulations of the Senate were extended to Brian M. Guthrie by Senator Robbins.

Congratulations of the Senate were extended to Edward Herbert and to Edward J. Rauch by Senator Salvatore.

Congratulations of the Senate were extended to Anthony Berdine by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Harold R. Boswell, Mr. and Mrs. Joseph R. Chambers and to Mr. and Mrs. Charles McWilliams by Senator Stout.

Congratulations of the Senate were extended to Elizabeth Shea McClain by Senator Tilghman.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1536 and HB 960.

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

RECESS

Senator LOEPER. Mr. President, before we finish today's Session, there is a need for a recessed meeting of the Committee on Appropriations, and I would ask at this time for a very brief recess of the Senate for the purpose of reconvening the Committee on Appropriations in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Would all the Members of the Committee on Appropriations please meet in the Rules room at the rear of the Senate Chamber. For the purpose of a very brief meeting of the Committee on Appropriations, the Senate will stand in brief recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

UNFINISHED BUSINESS REPORT FROM COMMITTEE

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

HB 1403 (Pr. No. 3104) (Amended) (Rereported)

An Act providing for the establishment, implementation and administration of the Small Water Systems Technical and Management Assistance Program; providing for technical, financial and management assistance for small water systems; providing for the Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive small water systems regionalization studies; imposing additional duties on the Department of Environmental Resources; authorizing the indebtedness, with the approval of the electors, of an additional \$350,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply, storm water control and sewage treatment systems; and transferring an appropriation.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

February 10, 1992.

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, Sara J. DeGregorio, 111 East Brimmer Avenue, Watsonstown 17777, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Reverend Dale L. Book, Lewisburg, deceased.

ROBERT P. CASEY.

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

February 10, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 22, 1991 for the appointment of Grace Hampton, 861 Oak Ridge Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1992, and until her successor is appointed and qualified, vice Kay W. Harte, State College, resigned.

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

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY—OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

February 10, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 17, 1991 for the appointment of Maureen H. McCullough, 317 Brookline Boulevard, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until her successor is appointed and qualified, vice Edward F. Mannino, Esquire, Philadelphia, whose term expired.

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

ROBERT P. CASEY.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 11, 1992

12:30 P.M. BANKING AND INSURANCE Room 461
(to consider Senate Bills 4th Floor
No. 251, 475, 584, 586, 622 North Wing
and 1435 and House Bill No.
536)

4:00 P.M. STATE GOVERNMENT Room 460
(to consider Senate Bills 4th Floor
No. 177, 712 and 1494) North Wing

WEDNESDAY, FEBRUARY 12, 1992

10:00 A.M. AGRICULTURE AND RURAL Forum Room of
AFFAIRS (Public Hearing McCormick Human
to evaluate the issue of Services Center
nutrient management and its Bloomsburg Univ.
impact on the environment, Bloomsburg, PA
agriculture and related
industries)

TUESDAY, FEBRUARY 18, 1992

9:30 A.M. CONSUMER PROTECTION Room 8E-B
AND PROFESSIONAL Hearing Room
LICENSURE (to consider East Wing
Competitive Telecommunica-
tions Services)

WEDNESDAY, FEBRUARY 19, 1992

9:30 A.M. CONSUMER PROTECTION Room 8E-B
AND PROFESSIONAL Hearing Room
LICENSURE (to consider East Wing
DOE-GPU 500 KV Transmis-
sion Line Project)

MONDAY, FEBRUARY 24, 1992

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Secretary Caucus Room
Hershock and Secretary
McNulty - Overall Economic
Outlook and Perspective)

TUESDAY, FEBRUARY 25, 1992

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - State Caucus Room
System of Higher Education)

11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Lincoln University)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Temple University)

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Penn State University)

WEDNESDAY, FEBRUARY 26, 1992

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Corrections)

10:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Insurance)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Judiciary)

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Revenue)

THURSDAY, FEBRUARY 27, 1992

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Community Affairs)

10:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Liquor Caucus Room
Control Board)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Attorney General)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Governor's Office)

FRIDAY, FEBRUARY 28, 1992

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Historical Caucus Room
and Museum Commission)

10:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Military Affairs)

11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Labor and Industry)

MONDAY, MARCH 2, 1992

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Transportation)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Environmental
Resources)

TUESDAY, MARCH 3, 1992

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| 9:00 A.M. | APPROPRIATIONS
(Budget Hearing - Department of State) | Senate Majority
Caucus Room |
| 10:00 A.M. | APPROPRIATIONS
(Budget Hearing - Department of Public Welfare) | Senate Majority
Caucus Room |

WEDNESDAY, MARCH 4, 1992

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|------------|---|--------------------------------|
| 9:00 A.M. | APPROPRIATIONS
(Budget Hearing - University of Pittsburgh) | Senate Majority
Caucus Room |
| 10:30 A.M. | APPROPRIATIONS
(Budget Hearing - Department of Education) | Senate Majority
Caucus Room |

THURSDAY, MARCH 5, 1992

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| 9:00 A.M. | APPROPRIATIONS
(Budget Hearing - Department of Agriculture) | Senate Majority
Caucus Room |
| 10:30 A.M. | APPROPRIATIONS
(Budget Hearing - PEMA) | Senate Majority
Caucus Room |
| 1:00 P.M. | APPROPRIATIONS
(Budget Hearing - Department of General Services) | Senate Majority
Caucus Room |

WEDNESDAY, MARCH 11, 1992

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| 1:00 P.M. | APPROPRIATIONS
(Budget Hearing - Department of Aging) | Senate Majority
Caucus Room |
| 2:30 P.M. | APPROPRIATIONS
(Budget Hearing - Department of Commerce) | Senate Majority
Caucus Room |

WEDNESDAY, MARCH 18, 1992

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| 1:00 P.M. | APPROPRIATIONS
(Budget Hearing - Department of Health) | Senate Majority
Caucus Room |
| 2:30 P.M. | APPROPRIATIONS
(Budget Hearing - Pennsylvania State Police) | Senate Majority
Caucus Room |

PETITIONS AND REMONSTRANCES

Senator LOEPER. Mr. President, we now have had a few days to further reflect on the problems that we believe exist with the Governor's budget proposal that was delivered to the General Assembly last Wednesday, and I think that it is important, Mr. President, for purposes of the record, that we take a brief opportunity here this evening to note several observations that we believe are going to be critical in the deliberations that will follow as far as this year's General Fund budget is concerned. One, Mr. President, is that the Casey proposal on the surface does not seem to be quite as

austere as advertised and that the administration measured the proposal against this fiscal year's budget amounts. But the administration has also pulled back hundreds of millions of dollars that they have absolutely no intention of spending during the rest of this fiscal year which is causing much concern, particularly at our county and local levels. I think that when we measure the budget proposal against what is expected to be actual spending, we find that projected spending in the budget proposal is up by approximately 4.2 percent, although not a runaway budget but certainly it is far from a no-growth, no-fat budget as it was portrayed. Thus, Mr. President, I believe there is room for spending repair and additional cost cutting, and I think that as we move forward in this budget process, that is two areas that we intend to explore.

Second, Mr. President, I think it is important to note that the budget that was presented was reputedly a no-tax-increase budget. However, the presumption of the budget that was presented is built upon a presumption that \$77 million of a utility gross receipts tax that will be directly passed on to utility customers in their monthly bills is used as far as trying to balance that budget. Mr. President, the emphasis, in my view, in 1992 must be on ways and finding ways to reduce taxes, not on slipping through a levy that consumers would eventually see lighting up their individual utility bills every month. I think it is plain, Mr. President, that a tax is a tax and that the answer that one is not is just not a fact. Although the budget proposal begins to do what is needed in terms of some spending reductions, in many respects, in our view, it is not quite as bold as we believe maybe it should be. I think if we were to take a look at the budget document and examine it we would see that the sustained commitment to a scheduled cut in the personal income tax is good. However, it should be matched by a plan that would eventually phase out increased business taxes, that would help to promote job retention and creation and spur economic growth. The plan passed by this Senate or a reasonable alternative, in my view, Mr. President, is essential to our economic future in Pennsylvania. Mr. President, it seems to me that the theme of cost cutting should have been carried out through the bureaucracy in greater depth, where the taxpayers expect that in tight times agencies of marginal value will be axed and others will be consolidated. While some spending is sliced in the Casey Plan, the structure of state government, for the most part, emerges unscathed and the executive offices of the Governor actually gained money. I think that while the Governor had tough talk about words for education and local government, about running tighter ships, and that the same philosophy should apply to Harrisburg as well and the Harrisburg bureaucracy, the initial gambit on changing welfare must be broadened into a progressive, extensive reform approach that will produce better programs and greater savings. I think if we were just to take a look at some of the examples that other states have embarked on, some very ambitious programs, particularly our neighboring State of New Jersey, that Pennsylvania ought not to be an island dedicated to a costly, ineffective welfare status quo. I think additionally, Mr. President, we cannot accept what is pro-

posed for basic and higher education as a first option. It seems that there may be some readily available means of generating revenue that the administration, for whatever reason, has consistently ignored, tax amnesty being one prime example. If funds can be generated for education they will. Education, Mr. President, is hardly a frill item. In some respects the stage has been set for what should have been done earlier. The people of Pennsylvania are going to see this budget picked apart and gone over piece by piece in the next several months. I think we can find savings wherever they lurk. I believe, Mr. President, as policymakers we have a responsibility not to mislead the public about what is taking place. Dumping costs does not necessarily mean that costs are avoided, and by all means we ought to encourage reforms and cost-effective management at every level of government. There are important reform supplements this budget needs in key areas, education and welfare among others, to ensure taxpayers are not crushed at the local level. Quite frankly, Mr. President, I think much of the reaction that we have seen and heard in the days following the Governor's presentation last week has been the concern expressed by the taxpayers at the local level and what a lack of increase and commitment in state funding on basic education is going to do to local property taxes. The financial picture, Mr. President, is such that no one can really play make-believe. The cuts that we make this year are going to be real ones. They are going to be felt by all sorts of people and all areas of concern. I think, Mr. President, that financial games will only further corrode the state budget credibility and put the brakes on hopes for a quick economic recovery in this state. Just one final point, some earlier reactions talked about a long, hot summer in Harrisburg, Mr. President, in budget deliberations. Well, I want to make clear that it is not my intent to spend one more long, hot summer in Harrisburg. It seems to me, Mr. President, that it is our responsibility to the people of Pennsylvania to get a timely budget, one that is cost effective, one that is done without any new revenue increases, tax increases, put on the backs of whether it be business or the individual taxpayers, and we intend to put our recommendations and work for reconciliation before, not after, June 30th.

Senator LEWIS. Mr. President, I think that all of us on this side of the aisle are pleased to hear the gentleman indicate that he intends to devote his efforts toward the adoption of a budget in a timely fashion, and we will certainly do everything we can to work with him to achieve that objective. I think that we also agree with the gentleman that as policymakers we should not mislead the public, but I have to confess that as I listened to his comments I found myself confused, and I think that inasmuch as I understand the subject about which he was speaking in much more detail than the average member of the public, that the confusion I am experiencing would unquestionably translate into a misleading and misunderstood interpretation on the part of the public. Quite simply, what I think I heard the gentleman say was that he wants this situation both ways. On the one hand, I heard him talking about this year and complaining about the holdbacks that have been ini-

tiated by the Governor and, on the other hand, I heard him talking about next year and the need for additional spending cuts. Let us begin with this year. As a prudent, responsible financial planner, the Governor, in response to the continuing decline of tax revenues because of the recession, has foreseen the potential that we may not be able to live within the means as they were outlined in the budget adopted by this General Assembly and approved by the gentleman last August. He has therefore taken the only responsible action that anyone in his position could take, and that is to plan for the possibilities that the revenues will not match with spending. I do not know what it is that the gentleman would suggest that Governor Casey or anyone else ought to do under those circumstances. He seems to be saying, let us ignore the revenue realities. Let us just spend, spend, spend. All that will end up accomplishing is the creation of a deficit by the end of this fiscal year, and I am certain that at that point we would hear little other than broad complaints and criticism from the other side of the aisle about the conditions that would exist under those circumstances. That just does not make any sense to me. Then I heard the gentleman talk about next year and to say that they intend to do some spending repair, that he believes that there will be additional cost cutting over the proposal that has been made by the Governor. I think we would agree with him that if there are ways in which we can save the tax dollars in this Commonwealth, that we would be delighted to see his proposal for spending repair. But I am also aware that the gentleman has been quoted in the media in response to the Governor's budget proposal as complaining about some of the reductions that the Governor has recommended. So, it seems to me that if the Republican side of the aisle is on the one hand going to suggest new cuts while at the same time suggesting additional repair to the spending proposal, that they have accepted unto themselves an enormous challenge, and it is one that we will watch eagerly for a response with specifics as to exactly how they propose to craft a balanced budget by adding to some of the spending proposals now made by the Governor and cutting in other areas, particularly in light of the fact that the gentleman has further complained about one of the revenue recommendations made by the Governor, the reinstatement of the utility gross receipts tax, a revenue measure for which the support of the Majority Leader was there with his vote as well as other Members from the other side of the aisle last August. We all know the story of that revenue situation. A misprint, an oversight in the printed language in the bill left us with a situation in which a tax that all of us thought was going to be put into place inadvertently was eliminated from the final bill as it was signed by the Governor. All the Governor is suggesting is that we correct that error, that we, in fact, put into place that which we had always intended to have in place. Now, if the gentleman wants to object to that revenue correction while talking about spending corrections, then he is creating an additional \$77 million hole, and that is fine with us if he chooses to do it, but it further increases the obligation to give us a specific spending plan rather than merely rhetoric about the things that he does

not like. I think that this challenge becomes especially taken when we realize what has been going on in this Chamber in the last couple of weeks. Just a few days ago, for example, 26 votes were put up on that side of the aisle for tax reductions for big business which, just for the balance of this year and the next budget year alone, would further reduce the revenue estimates by \$138 million. Now, this is voodoo economics. This is Reaganomics at its worst. And if the Majority Leader is going to suggest that the Governor's proposal is not acceptable to him, then we are going to ask for a plan that will specifically lay out how he is going to balance a \$138 million tax cut from breaks to big business, how he is going to reinstitute the holdbacks from this year and in what areas he is going to propose new spending cuts in light of the objections that he has with the recommendations that the Governor has made. With regard to some of his generalized expressions of concern, let me also point out that the Governor's budget clearly has cut the \$88 million from the welfare budget, and I think that the gentleman needs to go back and to look at the figures so that he can become aware of that. And let us make clear what this tax amnesty program is all about. It is not the great panacea that the other side of the aisle would suggest. Let us not forget that it, in its best case scenario, is a one-time benefit, but the actual dollar value of a tax amnesty proposal, which we support, by the way, when it is applied only to those people we have not already identified as tax deadbeats in this Commonwealth, will yield under its best case estimates about \$10 million to \$15 million. It makes no sense to provide tax amnesty for people whom we have already identified as deadbeats from people who have not paid their legitimate bills who we are prepared to prosecute, and the other side of the aisle wants to suggest that we ought to simply slap them on their wrists and say, it is no big deal and we are willing to let you go. That is where the \$30 million to \$35 million number comes from. But the truth of the matter is that we are going to get the \$15 million to \$20 million from the people we have already identified without a tax amnesty program and the only additional benefit by implementing one would be \$10 million to \$15 million, by the estimates of those who have worked with these programs in the past, and we would support and have stood on this floor and said that we will support a tax amnesty program under those circumstances. Mr. President, these are tight times and they require actions which many of us would prefer not to take. There will be difficult choices that have to be made. We are committed on this side of the aisle to living within our means, and we are committed to telling the people of Pennsylvania exactly what the hard facts are. It will not be an easy task. It will not be a pleasant task, but I would challenge the other side of the aisle to not try to confuse the issue, to not try to gain some kind of political advantage out of appropriations doublespeak, but rather to come straightforwardly, and if they want to talk about making changes, to put it in black and white, to put down the numbers and then we will see whether the rhetoric matches the hard facts on a sheet of paper.

UNFINISHED BUSINESS

BILL ON SECOND CONSIDERATION

Senator LOEPER. Mr. President, I move the Senate do now proceed to second consideration of a bill rereported from committee today.

The motion was agreed to.

The bill was as follows:

HB 1403 (Pr. No. 3104)

An Act providing for the establishment, implementation and administration of the Small Water Systems Technical and Management Assistance Program; providing for technical, financial and management assistance for small water systems; providing for the Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive small water systems regionalization studies; imposing additional duties on the Department of Environmental Resources; authorizing the indebtedness, with the approval of the electors, of an additional \$350,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply, storm water control and sewage treatment systems; and transferring an appropriation.

And said bill having been considered for the second time, and agreed to,

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

PETITIONS AND REMONSTRANCES

(Continued)

Senator FISHER. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Lewis.

The PRESIDENT. Will the gentleman from Bucks, Senator Lewis, permit himself to be interrogated?

Senator LEWIS. I will, Mr. President.

Senator FISHER. Mr. President, I have two questions for the gentleman. One, he referred in his remarks to the tax on electric utilities. Is he prepared to support that bill which would be a direct tax on the electric bill of the consumers of Pennsylvania?

Senator LEWIS. Mr. President, I support the agreement that was made last year, which the gentleman supported, which we both voted for. I am on record with regard to my position on that as is the gentleman from Allegheny.

Senator FISHER. Mr. President, is the gentleman indicating that the Members of his caucus intend to vote for the tax increase on the electric utility consumers across the Commonwealth at this time?

Senator LEWIS. Mr. President, I can only speak for myself, and I believe that I have done so in response to the gentleman's first question. The point that I was making with regard to the statements from the Majority Leader simply was that on the one hand he is talking about increasing some of the spending proposals made by the Governor which will obviously require more revenue and, on the other hand, he is talking about decreasing some of the revenue proposals made by the Governor. He cannot have it both ways. I am simply trying to point out the inconsistencies. I think that on this side

of the aisle we would be delighted to have the chance to look at a proposal by the Republican Party that would not require any changes in the current revenue stream and would balance, then, whatever the adjusted revenues are with a spending proposal. We welcome the opportunity to see what it is you want to do. I am simply trying to point out the clear inconsistency in the statements that were made by the previous speaker.

Senator FISHER. Mr. President, is the gentleman also aware that not only himself but the other Members of the Democratic side of the aisle have previously supported—in fact, I believe it was on August 4th—a tax amnesty bill which would provide for tax amnesty for all pre-1988 taxes which have been levied and remain unpaid?

Senator LEWIS. Mr. President, I am aware that we did that. It was part of the compromise in the overall budget proposal. It was probably one of the things that led the gentleman to vote for the utilities gross receipt tax. We cannot all have everything that we want. That was something which we preferred to have modified, but in the spirit of compromise that was necessary in order to get the budget resolved last year, we did support that. It does not make it the desirable and the preferable plan, and the gentleman is now seemingly complaining about the utility gross receipt tax being revisited and since we have the opportunity to revisit the tax amnesty, we want to point out that we are not pleased with all of the aspects of that proposal either.

Senator FISHER. Mr. President, I thank the gentleman and I would ask to be recognized on another issue. Mr. President, I originally rose and sought recognition on another issue, not the budget, and I would like to address that issue and that is the issue of congressional redistricting. As we stand here on February 10, 1992, we are soon approaching not only the date for the filing of petitions for candidates, including the office of Congress, but also we are very rapidly approaching the date which was set by Judge Barry of the Commonwealth Court, February 11th, at which time, in a recent order that he issued he gave some indication that the Commonwealth Court was prepared to step in and begin reviewing congressional redistricting plans. I stand here tonight, Mr. President, to say, one, that I am alarmed; two, I am quite dismayed; and three, quite frankly, I am shocked that the House of Representatives would be apparently running away from the issue of congressional redistricting. This is not January. It is not December but, rather, it is mid-February and every indication has been given today from the House of Representatives, in having adjourned last Wednesday and in having recessed for purposes of caucus this afternoon and reports which we are receiving from both sides of the aisle on the other side of the Capitol, that perhaps they do not have any present intention of returning tomorrow to take up any kind of congressional redistricting plan. That is indeed unfortunate because I believe, notwithstanding whatever my position may be on the issue of congressional redistricting, that the Senate has dealt with congressional redistricting. We passed a plan here last week. We received a plan from the House only a few weeks before that, acted I think as quickly

as we could under the circumstances which we had before us, but we passed a plan and sent that plan to the House of Representatives. We are here this week. We are prepared to deal with any plan which the House of Representatives would send back to us. The process is in place. The process is in place where the House of Representatives if they do not like a particular plan, if they do not like our plan, they can nonconcur in that plan. The ability to create a conference committee is there. The machinery is all there. It is in place, but to give signs that the House intends to run away is clearly wrong. It is a dereliction of duty on our part. It speaks badly of the entire General Assembly in this process, not just the House, and I think that clearly they should reassess their intentions. They should check the calendar and the clock, and they should get back to work, be it tonight or tomorrow, and deal with the plan that is before them. Mr. President, I find that the reasons given by the House for not dealing with the plan are equally disturbing. Today, for the first time, we heard that apparently the Governor has some interest in congressional redistricting. We have yet to see the Governor's plan, but he has called upon the House of Representatives to not act on the Senate-passed plan. He has categorized it as blatant partisanship. He has called it a dirty, cruel, political game. I guess it is clearly in the eyes of the beholder who is looking at it to determine whether, in fact, it is blatant partisanship. Mr. President, we passed a plan which we thought was fair. It was a plan which we debated here last week, and it is not my purpose to go into the specifics of the plan. We had that debate. The opposition debated the merits of their plan and voted the demerits of our plan, but we passed it and we sent it over. But for the House of Representatives to hide behind the fact that the Governor suddenly has stated that he does not like our plan and he is threatening to veto our plan is not sufficient reason for them to run away from this issue. The Governor's veto of a plan is not the last word. I am not saying that we have sufficient votes to override a veto of that plan or any other plan, but the mere fact that the Governor issues a press release and defines his plan by a press release, I do not believe is sufficient for the House to say that they are going to throw up their hands, that they are going to go in different directions and they are not going to deal with this issue.

Mr. President, February the 11th is the date that has been set by the Commonwealth Court. I have no idea whether or not, as some people have said, maybe Judge Barry or whoever is assigned to the case is going to provide us more time. I do not know that. I do not know whether or not some other court, the federal court, may say they are going to take jurisdiction on the case. I am really not concerned about that. I believe that what we should be doing is we should be getting down to business, staying here as the Senate is, both sides of the aisle. It is not a partisan issue. We are here. We are prepared to act. We are prepared to debate as we did last week the issue of the plans. The House of Representatives should do likewise. If the Governor wants to enter into this fray, let us see him bring his plan forward, not a plan that is going to eliminate the Republican Party in southwestern Pennsylvania.

Let us see him bring a realistic plan forward. Let us sit down at the table, not look at his press releases, but let us see his plan. Let us not see the Governor and the House of Representatives hide behind his position which apparently says, let us not do our job. Let us let it go elsewhere. I believe that congressional redistricting deserves to be resolved here. It should be resolved here, and it should be resolved here very soon.

ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Tuesday, February 11, 1992, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:00 p.m., Eastern Standard Time.