

LEGISLATIVE JOURNAL

TUESDAY, MAY 12, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 36

SENATE

TUESDAY, May 12, 1987.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Reverend Mr. VICTOR I. GRUHN, Pastor of the Old Zion Lutheran Church, Philadelphia, offered the following prayer:

Let us pray.

Lord God, how wonderful it is that with all the rules and regulations and, even more, the confusion that too often besets our life, that we may look inward or if we will only not even open the door but realize that You are there; You are here with us, addressing us even more than we try to address You. Correct some of our blindness and give us true insight, and especially help us to know that You reveal Yourself not only to us or to each one as an individual but really Your truth reaches out and we can often find more of the truth in the eyes of those whom we address than with our own eyes which cannot see as well. Keep us in Your grace and support us, that in the deliberations of today somehow we may feel that it is not only we who speak but if we speak truth then it is also Your voice addressing our common good. We pray in Your holy name. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 11, 1987.

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

COMMUNICATION FROM THE GOVERNOR**NOMINATION BY THE GOVERNOR
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore 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 WASHINGTON COUNTY
BOARD OF ASSISTANCE**

May 12, 1987.

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 J. Koval (Democrat), P. O. Box 466, Vestaburg 15368, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Washington County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Ruth Hopson, Washington, whose term expired.

ROBERT P. CASEY.

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.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 483**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators HELFRICK, WILT and STAPLETON as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 483.

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

**APPOINTMENTS BY
PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair wishes to announce he has made the following appointments:

Senator D. Michael Fisher as a member of the Pennsylvania Public Television Network Commission.

Senator Francis J. Lynch as a member of the Pennsylvania Veterans' Memorial Commission.

REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

HB 196 (Pr. No. 1544) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments; further providing for Statewide jurisdiction of municipal police in certain circumstances; providing for public service programs for certain offenders; and deleting provisions relating to Accelerated Rehabilitative Disposition for summary offenders.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

HB 324 (Pr. No. 357)

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further regulating the rates of pilotage.

Senator WENGER, from the Committee on State Government, reported the following bills:

HB 87 (Pr. No. 1542) (Amended)

An Act providing for the celebration of the 200th Anniversary of the first reading of the newly adopted United States Constitution; and providing for a Joint Session of the General Assembly to be held at Independence Hall in Philadelphia, Pennsylvania.

HB 152 (Pr. No. 170)

An Act amending the act of June 3, 1937 (P. L. 1333, No. 230), known as the "Pennsylvania Election Code," further providing for public buildings being used as polling places.

Senator CORMAN, from the Committee on Transportation, reported the following bills:

SB 96 (Pr. No. 101)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the identification of lessees of motor vehicles.

SB 204 (Pr. No. 212)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for illuminated signs in passenger cars.

SB 403 (Pr. No. 979) (Amended)

An Act amending the act of July 9, 1976 (P. L. 919, No. 170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," further providing for driveway permits.

SB 404 (Pr. No. 436)

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," further providing for driveway permits.

SB 515 (Pr. No. 980) (Amended)

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding projects in Beaver County and Lehigh County; and making mathematical corrections.

HB 35 (Pr. No. 38)

An Act designating a highway bridge on Route 42 in Columbia County as the Columbia County Veterans Memorial Bridge.

HB 79 (Pr. No. 84)

An Act designating a certain bridge crossing the Susquehanna River as the Maynard Street Veterans Memorial Bridge.

HB 532 (Pr. No. 1215)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the methods of determining noise violations.

HB 672 (Pr. No. 1088)

An Act designating the bridge crossing the Susquehanna River connecting the Borough of Milton in Northumberland County and the Village of West Milton in Union County as the Governor James Pollock Memorial Bridge.

DISAPPROVAL OF REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulation has been recommended for disapproval by the Independent Regulatory Review Commission:
L-860027.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would request a legislative leave for today's Session on behalf of Senator Pecora.

The PRESIDENT pro tempore. Senator Loeper has requested a legislative leave of absence for today's Session for Senator Pecora. The Chair sees no objection. The leave will be granted.

GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO SENATE

Senator GREENLEAF. Mr. President, I rise to call to the Senate's attention the third grade class from St. David's School in Willow Grove, which includes my son Stewart, Jr. Along with this class are his two teachers, Joyce D'Imperio and Barbara Turzer, as well as my wife, Kelly Greenleaf, who is accompanying the class.

The PRESIDENT pro tempore. Would the guests and relatives of Senator Greenleaf please rise and be recognized so the Senate may give you a warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN D. HOPPER PRESENTED TO SENATE

Senator HOPPER. Mr. President, we have with us today six gentlemen from various professions in the country of Bangladesh. A number of these gentlemen have their master's degree in business. Among them is a gentleman who has his master's degree in science. They are sponsored by various Rotary Clubs around Dacca, Bangladesh. They are accompanied by the immediate past president of the Harrisburg Rotary and the present president of the West Shore Rotary. The immediate past president of the Harrisburg Rotary is Elmer Reichwald and the current president of the West Shore Rotary is Bernard Dugan. I would appreciate it if the Senate would give them their usual warm welcome.

The PRESIDENT pro tempore. Would the distinguished guests of Senator Hopper please rise in the gallery so that we may give you a warm welcome.

(Applause.)

GUESTS OF SENATOR D. MICHAEL FISHER PRESENTED TO SENATE

Senator FISHER. Mr. President, I have two separate groups of guests. The first is a group of eight students from the Boyce Middle School in Upper Saint Clair Township who are here under the direction of their teacher, Joanne Szymanski, and other teachers, Jerry Altenhof and Andy Cobucci. The students are here for the receipt of the 1987 Governor's Energy Education Awards. The students are Ross Alessandro, Christine Magee, Jennifer Chang, Christina DeAngelis, Jody Rees, Aric Preis and Jenny Coleman.

I also have another group of residents from my district who are here as part of the parent educators trip to Harrisburg today. The parents from Bethel Park are Ross and Margie Williams who are accompanied by their children Alex, Bethany and Luke, and by their niece Jeanne Berezniichi.

The PRESIDENT pro tempore. Would the guests of Senator Fisher please rise so that the Senate may give you a warm welcome.

(Applause.)

The PRESIDENT pro tempore. The Chair is pleased, on behalf of the Senate, to welcome all guests here today and hopes you enjoy the Session of the day.

CALENDAR

SB 747 CALLED UP OUT OF ORDER

SB 747 (Pr. No. 925) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 747 (Pr. No. 925) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining the term "employee" for personal income tax purposes.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—50

Afflerbach	Hess	Moore	Scanlon
Andrezski	Holl	Musto	Shaffer
Armstrong	Hopper	O'Pake	Shumaker
Bell	Jones	Pecora	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow		

NAYS—0

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

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

RECESS

Senator STAUFFER. Mr. President, I request a recess of the Senate until 2:30 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:30 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 56 (Pr. No. 976) — The Senate proceeded to consideration of the bill, entitled:

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

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

On the question,
Shall the bill pass finally?

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

Senator PETERSON. 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 taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—47

Afflerbach	Helfrick	Madigan	Scanlon
Andrezeski	Hess	Mellow	Shaffer
Armstrong	Holl	Musto	Shumaker
Bell	Hopper	O'Pake	Stapleton
Bodack	Jones	Pecora	Stewart
Brightbill	Jubelirer	Regoli	Stout
Corman	Kelley	Reibman	Tilghman
Fisher	Lemmond	Rhoades	Wenger
Fumo	Lewis	Rocks	Williams
Greenleaf	Lincoln	Romanelli	Wilt
Greenwood	Loeper	Ross	Zemprelli
Hankins	Lynch	Salvatore	

NAYS—3

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

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

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I request temporary Capitol leaves for Senator Ross, Senator Stapleton and Senator Lewis.

The PRESIDENT. Senator Zemprelli requests temporary Capitol leaves for Senator Ross, Senator Stapleton and Senator Lewis. Are there objections to the Capitol leave requests? The Chair hears none. The leaves will be granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 137 (Pr. No. 911) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for certification of persons who perform radon testing and radon remediation; providing for the confidentiality of certain data; imposing penalties; and making an appropriation.

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

On the question,
Shall the bill pass finally?

Senator O'PAKE. Mr. President, very briefly, the reason we need this bill is because we have a new industry in Pennsylvania. As a matter of fact, it is a growth industry. It is the industry of radon testers and radon "remediators." They are out there in southeastern Pennsylvania now, but they are going to be throughout Pennsylvania pretty soon, because the residents of thirty-five counties now have been urged to test for radon in their homes by the Secretary of the Department of Environmental Resources. In my district they have come into the area recommending such things as vacuum cleaners, fluorescent light bulbs, tin foil and even mayonnaise jars as ways to reduce radon in people's homes. There is a crying need to make sure that the people who are in the business of testing for radon and getting rid of radon in people's homes are qualified, competent and certified to do that work. We know from New Jersey's experience in the first year—New Jersey is functioning under this kind of certification law—about one-half of all the people in the business of radon testing and radon reduction were found to be not qualified and not competent to do this. The potential for rip-off is there. The potential for fraud is real. This would permit and require DER to certify any business that wants to hold itself out as being qualified to test for radon and, if the reading is found high, to reduce radon in people's homes. I strongly urge prompt passage by the Senate and the House of Representatives.

And the question recurring,
Shall the bill pass finally?

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

YEAS—50

Afflerbach	Hess	Moore	Scanlon
Andrezeski	Holl	Musto	Shaffer
Armstrong	Hopper	O'Pake	Shumaker
Bell	Jones	Pecora	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow		

NAYS—0

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

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

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 312 (Pr. No. 977) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the selection of justices and judges of the Supreme, Superior and Commonwealth Courts from established judicial districts.

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

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Centre, Senator Corman.

The PRESIDENT. Will the gentleman from Centre, Senator Corman, permit himself to be interrogated?

Senator CORMAN. I will, Mr. President.

Senator KELLEY. Mr. President, Senate Bill No. 312 proposes an amendment to the Constitution dealing with Article V, the Judiciary, specifically for statewide courts. That would be the Supreme Court, the Superior Court and Commonwealth Court. It proposes having an apportionment of districts equal to the number of judges allocated to those respective courts throughout this Commonwealth and someone to be elected from those districts to serve then on the court. Mr. President, what I ask the gentleman is, does he anticipate the apportionment standards of these respective judicial districts to be the same standard as the Congress has imposed upon the state Legislatures or the General Assemblies of the states to apportion Congressional districts and apportion as well our own districts?

Senator CORMAN. Mr. President, it is my belief that we would be establishing judicial districts of equal population for the number of people who would be serving in each of the positions on the appellate courts. However, how we provide for that would be done by the General Assembly when we would establish by law how we get from the current system to the system we would be getting into.

Senator KELLEY. Mr. President, what I ask is, as the primary sponsor of this bill, does the gentleman anticipate the same standard for variations? In other words, the constitutional variation is what has been imposed upon the states for Congressional and General Assembly apportionments. Does the gentleman contemplate the same limited variation percentages for the judicial districts as we have, for instance, for this Body of our own, the State Senate of the Commonwealth?

Senator CORMAN. Mr. President, I certainly would. It has been established that we have one person, one vote kind of thing, and I would certainly hope and anticipate that, but my bill is silent in that area. This is a piece of legislation that would change the Constitution to provide for judicial districts. It is silent on that, but certainly I would hope we would use the same kind of prudence in establishing those districts as we do in establishing districts for our Senatorial elections and Congressional elections.

Senator KELLEY. Mr. President, can the gentleman give us a capsule opinion as to what he intends to have accomplished, assuming this proposal would be enacted and embraced by the constituency of the Commonwealth?

Senator CORMAN. Mr. President, I would be delighted to expound upon the merits of this piece of legislation. It seems to me, Mr. President, that anyone you would ask on the street about the current system of electing judges and justices to our

appellate court would say they are dissatisfied with the system. It is a lottery kind of system. We tried to fool the public by telling the candidates they need not identify their party affiliation and they may cross-file. We make a system of lottery where there are a lot of people filed and they hope to be one of the top names on the ballot so they can slip through in an election process that requires these people to run statewide for the various jobs. It appears to be very difficult to get many people to contribute to their campaigns which are very expensive to conduct. What we would be accomplishing, it is my hope, by providing for judicial districts for these candidates is they need not be spending their time running the length and breadth of the Commonwealth of Pennsylvania, but, in fact, only be running in their own particular judicial district, so, in fact, they need not spend as many dollars running for office as they have to spend when they are running statewide. The people whose district they would be serving in would have a better opportunity to get to know and examine the credentials of those who are seeking this kind of job.

It would not be, as happened in my particular district in an election some years back where I was sitting in Cameron County, when one of the candidates for Supreme Court addressing the group referred to how nice it was to be in Elk County. It is understandable because Cameron County does not have an airport and the justice landed in the Elk County airport and drove over to Cameron County to give a speech and was confused as to exactly where he was. That can easily happen, it seems to me, when you are running from Philadelphia or running from Pittsburgh. But if you happen to have a judicial district that encompasses a much smaller portion of the Commonwealth of Pennsylvania, it seems to me you will not have any difficulty knowing where you are and knowing your people, and the people will know your credentials and will be able to better examine those credentials to make a judgment whether this is the person they think should serve us in one of the appellate courts, or is this, as was said by former Superior Court Judge Edmund B. Spaeth, Jr. when he stated in the Inquirer, "Most judicial candidates do not win elections because the people know who they are. They win because the people vote as the politicians ask them to."

Many times this happens. You go back home and the people say, "Who are these people running for the various court systems, Senator? I do not know any of them. Who shall we vote for?" They do not know. I am hoping we can give them a system that they will be able to know.

Senator KELLEY. Mr. President, the gentleman has made a very persuasive point that by having districts of smaller areas, the chances of the electors knowing the character and the personality of those candidates could be better. I am concerned, Mr. President, with what the effect would now be on these people who would be elected by districts as far as standards. I assume, Mr. President, they could be reelected once elected, is that correct?

Senator CORMAN. Mr. President, I would certainly hope so. In fact, that is the kind of legislation we will have to draft,

on how to get from the statewide situation we have currently to a district system.

Senator KELLEY. Mr. President, if they are eligible for reelection—and there is every reason to believe they should be eligible for reelection—would the gentleman contemplate that those who would be elected would be making decisions that would represent their respective districts and a sensitivity to their reelection potentiality?

Senator CORMAN. Mr. President, I would certainly hope that the people who we have serving in those offices would consider the statewide significance of whatever decisions they have to be making and would be basing it on that. I do not think our judges are political.

Senator KELLEY. Mr. President, is it the contention of the gentleman that those who would be elected from districts would still have the same or equal objectivity of totality of impact of the Commonwealth in its entirety as if they had been elected statewide?

Senator CORMAN. Mr. President, there are many times as a state Senator from six counties in the central part of this Commonwealth that I have to have greater vision than strictly those six counties and have to examine thoroughly the need for a Philadelphia Convention Center and, once considering those kinds of things, vote for it or against it. In this case I voted for that particular issue of which I could see very little specific benefits returning to the central part of the state I represent. I would suspect as a judge in one of the appellate courts they would have that same broad vision that each one of us has in serving in the Senate.

Senator KELLEY. Mr. President, does the gentleman contemplate or anticipate any difficulty in ascertaining the effects of reapportionment after each census as how it will impact upon the judicial districts as they are sitting and recurring for reelection?

Senator CORMAN. Obviously, that is one of the things we have to resolve. It affects each one of us every ten years when there is reapportionment. We have to redraw our lines, and I do not know why they would be treated any differently than any other elected body who represents the people.

Senator KELLEY. Mr. President, does the gentleman concede that one who has been elected for a ten-year period, at intermittent times, continually for ten-year periods, and the effect of reapportionment as in contrast with the General Assembly that is taken care of here in the Senate in a two-election period of time and in the House of Representatives in a one-election period of time, does the gentleman contemplate any difficulty, and if so, how much that may or may not be insurmountable in legislation?

Senator CORMAN. Mr. President, it is, I believe, a fact that in running for Congress you need not live in your Congressional district but could live somewhere else if you are successful in being elected in that district. Whenever we make those determinations of residency requirements for the justices and judges, I would suspect we would have to take into consideration at that time, do we want to require that they must live within that judicial district or whether we

would want to be more broad in our thinking and say they may live anywhere, and maybe we want to consider, in fact, when we make a determination that there are now "X" numbers of judicial districts that upon reapportionment, maybe we may not reapportion out a sitting judge so that we must allow him an opportunity to defend his record and run for his same seat in that district. There are many ways of handling it. I cannot predict how this General Assembly might come down on those issues. They are important issues to debate once we have amended the Constitution and we have the responsibility of solving those problems.

Senator KELLEY. Mr. President, the gentleman is absolutely correct, but I would not want him to fail to express an opinion for legislative history in this process in order to be the subject of debate and discussion among all the electors of this Commonwealth, assuming this proposition would be submitted as an amendment to the Constitution. I, therefore, would ask the gentleman if he would express, as the primary drafter, what he intends to be the standard on reapportionment, whether someone must be a resident of that district and remain a resident and whether or not they could reapportion that person out of the district once they redraft it according to the population reports?

Senator CORMAN. Mr. President, if that is not addressed in my legislation, then I do not understand why we need be debating an issue which is not of issue in this particular piece of legislation. That should be very appropriately an issue when we draft the legislation that would lay out the definitions of how we are going to get from here to there. This bill does not address that, and I see no reason for me at this point to argue one way or the other on that issue.

Senator KELLEY. Mr. President, in the same spirit as the gentleman has drafted this bill, could he tell me hypothetically whether he would support, likewise, dividing this Commonwealth in half by population ratios and have a United States Senator elected from one part and the second United States Senator from the other part, as a matter of consistency or not of the philosophy, and if he does not agree, what distinctions does he see in regard to all of the arguments he has advanced in support of this proposition as opposed to that proposition?

Senator CORMAN. Mr. President, for whatever the reasons, it appears when people run for the United States Senate in Pennsylvania, they do not have difficulty attracting dollars to their campaigns. They do have an opportunity and make use of it to get to every portion of this Commonwealth on a regular basis. They are not restricted to not be involved in politics during the term of their office but, in fact, participate each year of their whole six years in traveling all across the length and breadth of this Commonwealth so the people have an opportunity to know what they are accomplishing or what they wish to accomplish, if they are not in, seeking to be in. They do not seem to have the same kinds of problems that a judge has who is not supposed to be involved in politics except when he is running for office, and there seems to be a lot more desire on the part of the public to contribute to the candidacies of we who serve in the legislative bodies—be it in

Washington or in Harrisburg—than there is in the judicial bodies. Why that is I am not sure, but it is a fact, and I think it is a fact that we need to be doing something to change the process for electing judges. I do not see that same problem existing in the election of our United States Senators.

Senator KELLEY. I have just one or two brief questions, Mr. President. I ask the gentleman what his opinion is as to the advantage or disadvantage of one who now must run throughout the Commonwealth for statewide jurisdictional courts as whether or not that process of running in the candidacy for those courts exposes them to all parts and all people of this Commonwealth and whether or not that better prepares them and makes them more knowledgeable and fortified to make objective decisions as they affect the people who they know throughout the Commonwealth in contrast with what he is proposing in this bill?

Senator CORMAN. Mr. President, I see that as another benefit of this particular piece of legislation. As it is, we could elect each one of our judges and justices of the Supreme Court from, in fact, one community, and there would certainly not be a breadth of knowledge of what it makes up the people of Pennsylvania across the entire Commonwealth but, in fact, if they were from judicial districts, we would certainly see all of the Commonwealth represented geographically and have a more melding of the ideas of what Pennsylvania is all about and not have merely one principle being the founding beliefs of the judges as they sit working on a particular issue. Then, in fact, this would give much greater breadth to their belief and their understandings of the needs of the Commonwealth as that should apply to whatever decision they are making.

Senator KELLEY. So the gentleman's proposition is, Mr. President, that it is the cumulative membership of the court, whichever it be, because they come from restricted districts, but it is the cumulative relationship and participation by them that would give the objectivity that the gentleman is referring to, is that correct?

Senator CORMAN. Mr. President, I would certainly hope that that would be one of the benefits because it seems to me it would spread out the basic background of all the people as they represent that particular court in addressing whatever issue that would come before them, which are different kinds of issues than what we face here in the legislative Bodies.

Senator KELLEY. Mr. President, I thank the gentleman.

I would like to briefly say I believe Senate Bill No. 312 is a very, very serious threat to the quality of decisions by our courts in a sense that they would be elected by anything less than the constituency that their decisions would affect, and it would destroy the whole concept of accountability, aside from the practical implications of the difficulty of reapportionments or the series of census every ten years and the court system being overlapped from seven to nine to fifteen judicial districts. In fact, Mr. President, is it not interesting and unique that a court of more broad jurisdiction, the Superior Court, would come from smaller constituencies than the Commonwealth Court. Interesting concepts, but if you are going to have the broader authority and power, you would

think you would have a broader constituency. I believe, Mr. President, what is best is that if a court is going to have statewide jurisdiction, then the constituency of that jurisdiction should all equally be able to participate person for person. Anything short of that is shortchanging. If there are going to be seven people on the Supreme Court of this Commonwealth, why am I or why are you only able to vote for one of them when today we vote for all seven? Or in the Superior Court, why only vote for one instead of fifteen, as we can do now? Or the Commonwealth Court, you can only vote for one, not all nine as you do now. Do you realize what you are doing? You are cutting and dismembering the power of the electors of this Commonwealth, and you are reducing the judiciary to a political constituency. Mr. President, I could not urge strongly enough a negative vote.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Greenleaf, Senator Stauffer, Senator Salvatore and Senator Wilt have been called to their offices and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Greenleaf, Senator Stauffer, Senator Salvatore and Senator Wilt. Are there objections to the temporary Capitol leave requests? The Chair hears none. The leaves will be granted.

Senator ZEMPRELLI. Mr. President, at this time I would request temporary Capitol leaves on behalf of Senator Jones, Senator Reibman and Senator Fumo who had to leave for constituency purposes.

The PRESIDENT. Senator Zempirelli requests temporary Capitol leaves for Senator Jones, Senator Reibman and Senator Fumo. Are there objections to those leave requests? The Chair hears none. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

Senator ROCKS. Mr. President, I rise to oppose Senate Bill No. 312. I have appreciated the line of questioning from my colleague, the gentleman from Westmoreland, Senator Kelley, and I also have a sensitivity to some of the ideas expressed by the prime sponsor of the legislation. In many areas, the goal that he seems to care to achieve I would not only agree with him, but I think in this Chamber we have also tried to work toward that goal. I, too, believe we must somehow get away from the lottery system when it comes to our statewide judicial elections. I think many of us have supported the elimination of the county designation on the ballot. I believe many of us have been in discussions for some kind of a rotation on the ballot across the Commonwealth, and those are difficult questions. I may agree with what he finally intends to achieve, but the issue in front of us in Senate Bill No. 312 is to regionally elect the appellate courts of this Commonwealth. There are two principles in our governmental process that I see horribly violated by this legislation. The first principle is appellate law itself. We have a lower judiciary that makes decisions and where, upon appeal, those decisions go

to the higher courts of this Commonwealth, the appellate courts. Mr. President, as a Philadelphian I would not want the toughest decisions of an urban area that have reached the level of an appellate consideration viewed by someone who came exclusively from a rural district of this Commonwealth. Likewise, I think it would be correct for someone with a rural concern to have that decision viewed any other way than for its fullest statewide implication. We need to remember the times. Much of the body of law that we live with today is coming to us not from this Legislature but from the appellate courts of this state of ours. In that context, appellate law needs to have, as the gentleman from Westmoreland, Senator Kelley, alluded to, the broadest possible perspective. And only those persons, in my mind at least, who, by election, sit, having been judged by the people of an entire Commonwealth, will we ever have that breadth of perspective in the law itself.

The second principle is absolutely inherent to our way of life in this government, and it is simply called checks and balances. Interestingly enough, we come here from districts. We are the Legislature. We have a serious check and balance that we deal with every day in the Chief Executive, the Governor, who is elected statewide by all of the people of Pennsylvania. It is both the check and the balance. In our judiciary, we have district courts. We know them in each of the areas that we come here representing. You have in the municipal court of Philadelphia or your district magistrate or the common pleas court of this state people who are elected to our judiciary by district. The check and balance in the instance of the judiciary are the appellate courts, and that principle is violated in Senate Bill No. 312, based on those two very important considerations. I do not think we can take this legislation lightly. I know there are groups who are supporting this because they see themselves underrepresented on our appellate courts. Once again, I do agree with the maker of this bill, the prime sponsor, that we have to improve the way we are electing judges statewide. Many of us agree with that, and we have ways to work toward, but not with this concept. This concept is wrong and it really does violate some of the very basic principles that we are structured upon as a government.

Senator BELL. Mr. President, I am just wondering what would happen if I were born in Centre County and then decided I wanted to practice law in Pittsburgh and by some chance I would end up in Philadelphia, or maybe be a lawyer from Scranton who practices in Philadelphia. I think we had a Governor who did that, did we not? Then there is another thing that bothers me. I love the folks from Philadelphia, but if you divide Pennsylvania into seven districts, who do you think is going to elect all the judges from Delaware, Montgomery and Bucks Counties? They would not come from Delaware, Montgomery and Bucks Counties. Let us go back and think, just common sense. "If it ain't broke, don't fix it."

Senator WILLIAMS. I rise to oppose the legislation, too, Mr. President. I guess the gentleman from Delaware, Senator Bell, probably sums it up for me. But, I guess fundamental

fairness would not recognize a system that would allow someone to be elected from a limited area and then to pass judgment and to do official functions to cover everybody. I just do not know of any concept in government like that at all. It is, I guess, analogous to taxation without representation. I am sure these arguments have been made, but I feel compelled to rise to make the observation that legislation like this just because everything is not working out like everybody wants it, we all have that. I mean all of us in whatever category of constituency we are, things are not perfect at all. We all sort of pursue, work hard and talk about the American dream and the ideal. In the electoral process the ideal that if we campaign hard and if we educate thoroughly and we talk about responsibility and we talk about all the good things, the issues and the TV and all those things that are supposed to happen, and sometimes they, indeed, do, because we have a free and open process, and if we are going to elect judges, it would seem to me that the energy and the vigor of Pennsylvanians who are going to represent and judge a constituency involving all of Pennsylvania would have to get on their horse and mount that kind of energy to educate the people and to persuade them about the issues. That is all in theory and that happens a lot of times. But, to reorganize that because it does not work out perfectly for everybody every time is just against all notions of a free and fair electoral process. I just wanted to say that what we are talking about here is an idea that—not exactly sour grapes for now I do not have my turn, therefore, like, change the whole system. It is just not fair, it is not with precedent and it just cannot work to represent the State of Pennsylvania.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Williams.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Williams, permit himself to be interrogated?

Senator WILLIAMS. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, would the Senator indicate in those arguments he made relative to someone being elected from a small area somehow making laws for the larger area, did he make some debate in that regard?

Senator WILLIAMS. No, Mr. President. I said that to be elected from a particular area to represent a larger area just violated fundamental fairness.

Senator BRIGHTBILL. Mr. President, so if someone were elected from a district that constituted less than all of Pennsylvania, it would be fundamentally unfair for them to rule on cases and decisions that encompass all of Pennsylvania. Is that the gentleman's position?

Senator WILLIAMS. Mr. President, my point is, if you are going to judge me, then let me participate in the election of you. Why should I be different from someone who can elect you because I know you and I do not even have the right to judge you, but you are going to get into position to judge me. I think that is without precedent and wrong, yes.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate how that differs from the General Assembly where, for example, I vote regularly on bills impacting on the

City of Philadelphia, but have not been judged or elected by those people from Philadelphia? By the same token, the gentleman from Philadelphia votes on bills that impact on the counties I represent and he has not stood for election or been judged by those folks.

Senator WILLIAMS. Mr. President, maybe that is the difficulty the gentleman has, because if you are representing your district, you have your one vote and you put in your two cents and all of us are elected from all of our districts. That is quite different from sitting to judge the issue that applies to the whole state. You make your input and I make my two cents. This is my one vote. But, we do not judge the applicability of laws that affect the whole Commonwealth. We propose laws that affect our constituency from which we admittedly are elected, but judges do not have a selected constituency. We are politicians. We are sent here to hammer out the differences because we are political and we are politicians, but judges are sent there for the opposite reason, not to represent a small group of people, but to represent and interpret the laws for all of the people. Every day in this Legislature, as a matter of fact, the impasses we have and the balances we have on the law recognize the fact that we have a parochial point of view, and rightly so. I do not want judges to judge based on where they come from. Indeed, if they can be elected only by the people there, they are going to reflect those points of view and I do not blame them. I do not know any precedent in our government like that at all. Yes, you are right. It violates fundamental fairness and common sense.

Senator BRIGHTBILL. Mr. President, I do not see how that differs, since as a Legislator I am called upon to vote on issues that impact just on the City of Philadelphia. For example, I recall one in particular which dealt with the taxing structure of the City of Philadelphia. That was strictly a Philadelphia issue and, yet, as a Legislator, I was called upon to make a judgment and cast a vote on that issue. There are other issues.

The PRESIDENT. Has the gentleman completed his interrogation of Senator Williams?

Senator BRIGHTBILL. No, Mr. President. I have not.

The PRESIDENT. You may proceed.

Senator BRIGHTBILL. Mr. President, there are other issues, for example, that deal with small community funding where two of my counties, Lehigh and Lebanon, are very dramatically impacted and, yet, those people who represented Allegheny County and Philadelphia County really had more votes to say than the people who did. I do not see how there is any difference at all.

Senator WILLIAMS. Mr. President, the difference is most of the time you do vote against Philadelphia and we recognize that.

Senator BRIGHTBILL. Mr. President, could we have that spread across the record?

Senator WILLIAMS. Mr. President, the record indicates just that. Do not strike the record. I do not say that critically. I think you have political reasons for doing so, and I respect you for it most of the time, but the people who made this

Constitution and worked darned hard—and I mean they sweated and we sweat and sweat—precisely understood what I just said, that you and I are going to fight about our counties and hammer out something politically and we want a fair, open and intelligent judiciary unbridled by some parochial and local concerns. That is why the Constitution set up a procedure whereby you and I would be elected from districts and the judicial officers would be statewide, and I think wisely so. I am surprised that in 1987 we are having a discussion about that, because that is just the reason that our forebears put it in the Constitution that way.

Senator BRIGHTBILL. Mr. President, would it be fair then to characterize the gentleman's point of view that he enjoys domination, both in the appellate courts and in the Legislature, and he wants to keep it? Would that be a fair characterization?

Senator WILLIAMS. Mr. President, the mere fact that you are a leader in this very Body indicates that domination is not so. I can remember a lot of years where, depending on where you were from, you got ahead. It was not the cities. That goes back and forth. I think our forefathers wisely understood it is not the temporary heat of the moment we have to enact laws for, but laws that allow for a system of fundamental balance. It is my contention that if you build in a system designed to make people prejudiced and you reward that, the judges will be just that, they will be a bunch of political hacks for sure. I do not think we are hacks. I think we are a rather distinguished Body, frankly. I really do. The more years I spend here, the more I feel that way, but it is a fact we are very political, and I think rightly so. On occasion, we break through with some statesmanlike thing. In this case, I think this particular proposition is very political and very unfair.

Senator ZEMPRELLI. Mr. President, I listened to the argument and debate with a great deal of interest and made some notations here. I am wondering whether it is not the fact that there is political dominance of one party right now that gives rise to the very legislation that is before us. I am seriously wondering whether anybody from the other side of the aisle would be interested in this legislation if the court was composed of what it was in the early 1900's and if there is not a source of annoyance because at this particular time at least the Supreme Court is expressing more of a view that would be in keeping with the Democratic side, and really is not that what this is all about?

Let me address several of the arguments that have been made. Domination, yes. Is not that always going to be the case and are we not always going to try to seek some sort of preference in terms of the expression of philosophy? Why is that such a bad thing? Is it not true that the President of these United States appoints members to the Supreme Court? We talk about a Reagan court and we talk about a Johnson court and we talk about any other kind of court depending upon who the nominees are and who is the nominator of those nominees and we accept that. In addition to that, when the question was raised by the gentleman from Westmoreland, Senator Kelley, to the gentleman from Centre, Senator

Corman, as to why he would have this legislation passed and make these specific changes, he makes a major point of the fact that some candidate arrived and landed in one county and then misaddressed a group of voters in another county by wrong county identification. My simple response to that is, is that sufficient merit to justify uprooting a system that has been with us for over 200 years? I do not believe so.

Mr. President, the second question he raised is that invariably the politician will tell somebody who is in the electorate how to vote for these nominees. Let us analyze that for a moment as to being a major objection or a reason to be for the legislation that is before us. If the gentleman is correct, the bill then would be cosmetic to a much larger problem and that is, what does it take to get the electorate to look at the qualifications of the candidate so they can vote intelligently on it?

Mr. President, it also would indicate there is a failure of the political system, and nobody is suggesting that we change that. Is it not and has it not been since time immemorial that we, a two-party system, have always accepted the responsibility of providing qualified people to our highest courts and allowing the electorate to vote on the basis of the state as being the jurisdiction for that court? I see nothing wrong with that. If there has been a failure, is this bill the answer? No. The answer is to have the politicians or the political parties more responsive to making sure that the candidates who are offered to an uninformed electorate are of such quality that those who are elected can demonstrate that they are de bonis publico insofar as the opinions they would render in the best interest of the Commonwealth of Pennsylvania.

Mr. President, did the residence of former Governor Shafer, elected statewide, make any difference? Judge Watkins—I have read many decisions of his—would be from one of the counties, I believe, that is represented by the Senator who had introduced this legislation. I can go on and on with a litany of persons, as late as Judge Kelly, who came out of one of the rural counties, who was elected maybe on the popularity of his name or name identification, I am not certain but I think he is a very qualified judge. As this argument developed, I said, well, maybe the gentleman has a point, maybe there is a new and renewed interest in moving to an area of district type jurisdictions rather than a larger jurisdiction. I have called authorities whom I believe would represent the truth and they have indicated to me that the suggestion of the gentleman for the State of Pennsylvania as how it would redistrict and elect its appellate courts is only embraced by one other state in the United States, the State of Kentucky. It is more famous for its Kentucky Derby than it is for its judiciary. I am wondering, if there is all this wisdom and all this new fervent need for changing a system that has existed and served the people of this Commonwealth very well over a great many years, then why have not other states of significance adopted legislation similar to that which we are considering in Senate Bill No. 312?

Mr. President, not having any other compelling reason to believe we should be looking forward to this legislation in an affirmative fashion, I conclude as I began and that is the hint

that has been suggested by the gentleman from Lebanon, Senator Brightbill, that there may be political dominance at this time that we disagree with reflects a philosophy of a court that you may want to have reflect a different philosophy, but I suggest to you that tomorrow is another day and you may very much regret having done that which you are about to try to do at this hopeful moment. Let me say, Mr. President, with all the fervor within me, I will be opposed to this legislation now and tomorrow, and I would ask for a negative vote.

LEGISLATIVE LEAVES

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

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Moore. Are there objections? The Chair hears none. The leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stapleton. His temporary Capitol leave will be cancelled as will the temporary Capitol leave of Senator Reibman who graces us with her presence as well.

And the question recurring,

Shall the bill pass finally?

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

Senator ZEMPRELLI. Mr. President, I would like to change the vote of Senator LEWIS from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—25

Andrezeski	Hess	Moore	Stapleton
Armstrong	Holl	O'Pake	Stauffer
Brightbill	Hopper	Peterson	Stewart
Corman	Jubelirer	Rhoades	Tilghman
Greenleaf	Lemmond	Shaffer	Wenger
Greenwood	Madigan	Shumaker	Wilt
Helfrick			

NAYS—25

Afflerbach	Kelley	Musto	Ross
Bell	Lewis	Pecora	Salvatore
Bodack	Lincoln	Regoli	Scanlon
Fisher	Loeper	Reibman	Stout
Fumo	Lynch	Rocks	Williams
Hankins	Mellow	Romanelli	Zemprelli
Jones			

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

RECONSIDERATION OF SB 312

BILL LAID ON THE TABLE

SB 312 (Pr. No. 977) — Senator CORMAN. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 312, Printer's No. 977, just failed of final passage, and that the bill be laid on the table.

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Greenleaf. His temporary Capitol leave will be cancelled. The Chair also recognizes the presence on the floor of Senator Lewis and Senator Salvatore. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a temporary Capitol leave for Senator Lynch.

The PRESIDENT. Senator Zemprelli requests temporary Capitol leave for Senator Lynch. The Chair hears no objections. The leave will be granted.

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

The motion was agreed to.

The PRESIDENT. Senate Bill No. 312 will be laid on the table.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 514 (Pr. No. 567) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," eliminating a restriction on the general powers of a township relating to other governmental units.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kelley	Peterson	Stauffer
Corman	Lemmond	Regoli	Stewart
Fisher	Lewis	Reibman	Stout
Fumo	Lincoln	Rhoades	Tilghman
Greenleaf	Loeper	Rocks	Wenger
Greenwood	Lynch	Romanelli	Williams
Hankins	Madigan	Ross	Wilt
Helfrick	Mellow	Salvatore	Zemprelli
Hess			

NAYS—1

Bell

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

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

LEGISLATIVE LEAVE

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 642 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 8 and 9 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 26, 159 and HB 210 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 235 (Pr. No. 244) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for institutional vandalism.

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

BILLS OVER IN ORDER

SB 259, 321, 540, 610 and 659 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 678 (Pr. No. 761) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding offenses relating to criminal usury and extortionate extensions of credit; and making a repeal.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 710 and 738 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

RESOLUTION ON CONCURRENCE IN HOUSE AMENDMENTS CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Concurrent Resolution No. 19**, entitled:

A Concurrent Resolution urging the Pennsylvania Public Utility Commission to direct all Class A and Class B utilities to act without delay in reducing the rates charged to their customers in anticipation of expense reductions resulting from the Tax Reform Act of 1986.

On the question,

Will the Senate concur in House amendments to Senate Concurrent Resolution No. 19?

MOTION TO SUSPEND RULES

Senator LOEPER. Mr. President, I would move we suspend Senate Rule XV to offer a clarifying amendment to House amendments.

The PRESIDENT. Senator Loeper moves that Senate Rule XV be suspended so that the Senate may amend House amendments.

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	Hess	Moore	Scanlon
Andrezski	Holl	Musto	Shaffer
Armstrong	Hopper	O'Pake	Shumaker
Bell	Jones	Pecora	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow		

NAYS—0

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

Senator LOEPER offered the following amendment to House amendments:

Amend Second Resolve Clause, page 3, line 7, by striking out "SUBTRACT" and inserting: offset

Amend Second Resolve Clause, page 3, line 7, by striking out "FROM" and inserting: against

On the question,

Will the Senate agree to the amendment to House amendments?

It was agreed to.

On the question,

Will the Senate concur in House amendments as amended by the Senate to Senate Concurrent Resolution No. 19?

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE TO SENATE CONCURRENT RESOLUTION NO. 19

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments as amended by the Senate to Senate Concurrent Resolution No. 19.

The motion was agreed to.

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

SB 306 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 306, Printer's No. 828, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

POINT OF INFORMATION

Senator LINCOLN. Mr. President, I rise to a point of information.

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

Senator LINCOLN. Mr. President, I would like to interrogate the gentleman from Butler, Senator Shaffer, relative to the confirmation process of Donald Mazziotti, and I would like to know when would be the proper time to call that business before the Body?

The PRESIDENT. The gentleman may proceed with that activity under the order of business of Petitions and Remonstrances. If he intends to do that at this moment, he could do that as a special order of business which would require the consent of the Body.

Senator STAUFFER. Mr. President, I wonder if the gentleman would yield for just a moment. He indicates that he would.

Mr. President, there are two points I would like to make. Number one, there are some resolutions that need to be dealt with. I wonder if the gentleman from Fayette, Senator Lincoln, would let us deal with those before taking up that order of business, which would be for a very brief period of time, and I would also remind the Members that we will have a Supplemental Calendar dealing with a supplement to the budget that is in the process of being printed now. I would expect that within fifteen minutes it should be ready for us on the floor for consideration, but I did not want to see Members leave without recognizing there would be another vote on a very important bill.

Senator LINCOLN. Mr. President, I have no quarrel with the suggestion made by the Majority Leader, and I thank him for the direction and advice and I will heed it.

UNFINISHED BUSINESS

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator TILGHMAN submitted the Report of Committee of Conference on SB 549, which was placed on the Calendar.

REPORTS FROM COMMITTEES

Senator WENGER, from the Committee on State Government, reported the following bill:

SB 46 (Pr. No. 982) (Amended) (Rereported)

An Act authorizing the Secretary of the Department of General Services, the Secretary of Transportation and the Pennsylvania Turnpike Commission to reimburse volunteer fire, ambulance and rescue companies who respond to fires or other emergencies on State-owned property, limited access highways and the Pennsylvania Turnpike; and making appropriations.

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

SB 200 (Pr. No. 981) (Amended) (Rereported)

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), entitled "Recreational Improvement and Rehabilitation Act," further providing for the use of funds; providing additional funds to the Department of Community Affairs; and extending the provisions of the law for an additional three years.

SB 474 (Pr. No. 865) (Rereported)

An Act requiring the development of the Pennsylvania Infectious and Pathological Wastes Plan prior to the issuance of permits for infectious and pathological wastes incinerators and disposal facilities.

SB 811 (Pr. No. 968)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987.

SB 812 (Pr. No. 969)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987.

SB 813 (Pr. No. 970)

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

SB 814 (Pr. No. 971)

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987.

SB 815 (Pr. No. 972)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

HB 208 (Pr. No. 1545) (Amended)

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

HB 209 (Pr. No. 1546) (Amended)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

PERMISSION TO ADDRESS SENATE

Senator ROMANELLI asked and obtained unanimous consent to address the Senate.

Senator ROMANELLI. Mr. President, I rise on behalf of myself and several of my colleagues to introduce a bill that I hope will address the crisis that this state is in with regard to train collisions.

BILLS IN PLACE

Senator ROMANELLI presented to the Chair a bill.

Senator ROCKS presented to the Chair three bills.

SENATE RESOLUTIONS

CONGRATULATING THE GREATER HARRISBURG ARTS COUNCIL ON THE 20TH ANNIVERSARY OF THE GREATER HARRISBURG ARTS FESTIVAL

Senators SHUMAKER, HOPPER and MOORE offered the following resolution (**Senate Resolution No. 67**), which was read, considered and adopted:

In the Senate, May 12, 1987.

A RESOLUTION

Congratulating the Greater Harrisburg Arts Council on the 20th Anniversary of the Greater Harrisburg Arts Festival.

WHEREAS, 1987 marks the 20th year during which the Greater Harrisburg Arts Council, in cooperation with the State Museum of Pennsylvania, the Department of General Services and the City of Harrisburg, has held the Greater Harrisburg Arts Festival; and

WHEREAS, This "Celebration of the Arts" includes a Juried Museum Exhibition reflecting the talent and creativity of Pennsylvania's artists, craftsmen and photographers; and

WHEREAS, The Juried Museum Exhibition is displayed in the State Museum of Pennsylvania during the months of April and May; and

WHEREAS, During Memorial Day weekend, the Outdoor Arts and Crafts Festival and the Showcase of Performing Arts are held on the grounds of the State Capitol Complex; and

WHEREAS, This festival brings 250 craftsmen from throughout the United States to Harrisburg to display and sell their crafts, and provides a variety of musical and other live entertainment for an audience of nearly 100,000 people during the three-day event; and

WHEREAS, The Greater Harrisburg Arts Council, through the Greater Harrisburg Arts Festival and its other projects, is making the arts more accessible to the general public; therefore be it

RESOLVED, That the Senate of Pennsylvania congratulate the Greater Harrisburg Arts Council on the 20th Anniversary of the Greater Harrisburg Arts Festival; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Greater Harrisburg Arts Council, the State Museum of Pennsylvania, the Department of General Services and the City of Harrisburg.

RECOGNIZING THE IMPORTANCE OF AGRICULTURAL RESEARCH

Senators HELFRICK, WENGER, STAPLETON, WILT, KELLEY, MADIGAN, CORMAN, PETERSON, AFFLERBACH, RHOADES, ARMSTRONG and SHAFFER offered the following resolution (**Senate Resolution No. 68**), which was read, considered and adopted:

In the Senate, May 12, 1987.

A RESOLUTION

Recognizing the importance of agricultural research.

WHEREAS, The Senate of the Commonwealth of Pennsylvania wishes to acknowledge the importance of agricultural research to the people of Pennsylvania in this the year of the celebration of 100 years since the passage of landmark legislation that established Pennsylvania's Agricultural Experiment Station; and

WHEREAS, The Senate wishes to acknowledge the enormous success of the Federal/State partnership. Investments in research have produced hybrid crop and animal strains, labor-saving equipment, vastly improved farming and forestry practices, animal disease control, modern breeding techniques and much more efficient farm management practices. These advancements have helped produce a standard of living that is the envy of the rest of the world; and

WHEREAS, The Senate wishes to acknowledge that it is not only the farmer who benefits from this research. These technologies have produced a higher standard of living for farmers and for all consumers. A wider variety of wholesome foods can now be produced and purchased at lower relative prices than at any time in history; and

WHEREAS, The Senate wishes to acknowledge that the passage of the Hatch Act on March 2, 1887, just 24 years after the Morrill Act established the Land-Grant system, created a system with which to address the future. Pennsylvania was ready for the challenge, and on July 1 of that same year, the General Assembly of the Commonwealth of Pennsylvania established the Pennsylvania Agricultural Experiment Station at the Pennsylvania State College; and

WHEREAS, The Senate wishes to acknowledge that, from its beginning, the Experiment Station, also known as the Office of Research in the College of Agriculture, has grown into a major nationally recognized research facility. The Office of Research has 250 active research projects pooling the efforts of more than 300 scientists, 224 graduate student assistants and hundreds of full-time and part-time employees. Annually they produce more than 250 technical reports that lead to hundreds of popular articles. Research is carried out in 24 disciplines ranging from biophysics to plant pathology. Studies involve nearly 40 commodity categories, including important Pennsylvania commodities such as dairy, poultry, fruits, vegetables, ornamentals, turf, forestry and forage products. This important research also addresses the social and economic problems of individuals and communities, agricultural education, food science and agricultural engineering; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania acknowledge the importance of agricultural research to the people of Pennsylvania and express its appreciation and encouragement to all those involved in the agricultural research efforts so vital to agriculture, the State's leading industry.

RECOGNIZING MAY 15, 1987, AS "PEACE OFFICERS' MEMORIAL DAY" IN PENNSYLVANIA

Senators PETERSON, SHAFFER, SHUMAKER, KELLEY, ROCKS, REGOLI and BRIGHTBILL offered the following resolution (**Senate Resolution No. 69**), which was read, considered and adopted:

In the Senate, May 12, 1987.

A RESOLUTION

Recognizing May 15, 1987, as "Peace Officers' Memorial Day" in Pennsylvania.

WHEREAS, "Peace Officers' Memorial Day," established by Presidential proclamation in 1962, commemorates those law enforcement officers who have fallen in the line of duty; and

WHEREAS, During the past decade, nearly 1,000 police officers have been slain and tens of thousands more have been assaulted; and

WHEREAS, "Peace Officers' Memorial Day" is a day on which we remember police officers who have given their lives to protect us and a day on which fellow police officers remember their fallen comrades; and

WHEREAS, On this day, the National Fraternal Order of Police conducts memorial services in cities across the nation, including a wreath-laying ceremony at the Living Flame Memorial, a monument to police officers located across from the police administration building in Philadelphia; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania recognize May 15, 1987, as "Peace Officers' Memorial Day" in Pennsylvania and pay tribute to the police officers who have given their lives serving us.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Walter Jones, Sr., Mr. and Mrs. Joseph Alfred Klan and to Mr. and Mrs. Norman Thomas by Senator Afflerbach.

Congratulations of the Senate were extended to Dr. and Mrs. Wayne Hoy and to Mr. and Mrs. Lewis A. Lloyd by Senator Corman.

Congratulations of the Senate were extended to the Upper St. Clair Hockey Team by Senator Fisher.

Congratulations of the Senate were extended to Edward C. Wagner by Senator Greenleaf.

Congratulations of the Senate were extended to Ben Davy and to Mr. Mel Rakerd by Senator Helfrick.

Congratulations of the Senate were extended to Herbert J. Tarr by Senators Kelley and Regoli.

Congratulations of the Senate were extended to Mr. and Mrs. Harold E. Seaman by Senator Madigan.

Congratulations of the Senate were extended to Ruth and Walter Hamburger by Senator O'Pake.

Congratulations of the Senate were extended to the United Paperworkers International Union Local 286 by Senator Rocks.

Congratulations of the Senate were extended to Derek Gutkowski and to Elmer Schnepf by Senator Romanelli.

Congratulations of the Senate were extended to the Wakfern Food Corporation by Senator Salvatore.

Congratulations of the Senate were extended to Raymond C. Isom by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Floyd Akers by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Hobert Jennings and to the California Area High School Band and Director Frank Capaldi by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. William Gombar by Senator Williams.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Lieutenant Fred D. Carozzo, Jr. was extended to Mr. and Mrs. Fred D. Carozzo, Sr. by Senator Zemprelli.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 96, 204, 403, 404, 515, 811, 812, 813, 814, 815, HB 35, 79, 87, 152, 196, 208, 209, 324, 532 and 672.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, I have clarified the questions I had relative to Mr. Mazziotti from one of the committee Members on my own side of the aisle, so there is no need for an interrogation.

Senator SHAFFER. Mr. President, I am wondering whether it is in order to request to be interrogated? I would appreciate being interrogated on the matter.

The PRESIDENT. The Chair would point out if there are no questions to be asked, there are no answers that are likely to be given.

Senator SHAFFER. Mr. President, I regretfully accede to the wishes of the Chair.

Senator BRIGHTBILL. Mr. President, I rise to point out to the gentleman from Butler that there is a proud tradition in this Senate of one Senator interrogating himself and that has been done. If the Senator would like to undertake that, certainly that would be available to him as a remedy.

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:

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

May 12, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward F. Mannino, Esquire, 7300 Cresheim Road, Unit D-7, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1990, and until his successor is appointed and qualified, vice Gail M. Barsky, Levittown, whose term expired.

ROBERT P. CASEY.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

Senator STAUFFER. Mr. President, at this time I would request what I hope will be a very brief recess of the Senate, pending the printing of the bill that is remaining to be dealt with on today's Calendar.

The PRESIDENT. For the purpose of a brief recess, awaiting the printing and distribution of a report of the Committee of Conference and a Supplemental Calendar, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

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

BILL IN PLACE

Senator STEWART, by unanimous consent, presented to the Chair a bill.

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Fumo and Senator Jones and their temporary Capitol leaves will be cancelled.

SUPPLEMENTAL CALENDAR NO. 1**REPORT OF COMMITTEE OF CONFERENCE****REPORT ADOPTED**

SB 549 (Pr. No. 983) — The Senate proceeded to consideration of the bill, entitled:

An Act to further provide from the General Fund for the expenses of the Executive Department of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986; to provide appropriations from the Lottery Fund to the Executive Department; and to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 549.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, just briefly on the bill, I am a signatory to the report of the Committee of Conference, but I want to report back to this Chamber what I said in the Committee of Conference because I think it is quite important.

This bill is deficient in one very important area and that is concerning the judiciary. It fails to appropriate the Governor's request of \$657,000 for the senior judge program in the Commonwealth of Pennsylvania. This is particularly distressing to me as a Philadelphian, when in this Chamber we have heard many, many arguments and complaints and we have read in the media the problem of the huge backlog of cases in Philadelphia. We currently have fifteen judges under suspension and there are five judges yet to be considered for the second time by this Senate. We have the backlog growing and the only people to fill the breach to help solve that problem are the senior judges. To not fund them adequately means that we are seriously impairing the administration of justice in Philadelphia County. I was, however, advised at the Committee of Conference meeting that this problem would be addressed. I was advised by both the Majority Leaders of the

House and the Senate, but I want to note that it is deficient here. While I urge my colleagues to vote for it, we are not by our vote lending our vote of approval to the fact that these have not been funded. There are other valuable programs in the bill that have to be funded, but we are relying upon the assurances of the Majority Leaders of the House and Senate that these judicial issues will be addressed in either an additional supplemental appropriation bill to be forthcoming or in the general government bill for the appropriations in a supplemental fashion. We cannot allow that situation in Philadelphia to continue without at least allowing senior judges to be adequately compensated to go in and fill the breach in that area.

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	Hess	Moore	Scanlon
Andrezeski	Holl	Musto	Shaffer
Armstrong	Hopper	O'Pake	Shumaker
Bell	Jones	Pecora	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow		

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 RESOLUTION

**CONGRATULATING THE UNIVERSITY OF
PITTSBURGH SCHOOL OF DENTAL MEDICINE
AND MR. AND MRS. DONALD D. SHOEMAKER
FOR A TRADITION OF ANNUAL FACULTY
MOTIVATION AND INSPIRATION CONFERENCES**

Senator LINCOLN, by unanimous consent, on behalf of himself and Senators ROMANELLI, FISHER, SCANLON and ZEMPRELLI offered the following resolution (Senate Resolution No. 70), which was read, considered and adopted:

In the Senate, May 12, 1987.

A RESOLUTION

Congratulating the University of Pittsburgh School of Dental Medicine and Mr. and Mrs. Donald D. Shoemaker for a tradition of annual faculty motivation and inspiration conferences.

WHEREAS, The University of Pittsburgh School of Dental Medicine, under the leadership of Dean Edward J. Forrest, held its first Faculty Conference at the Mount Summit Inn, Uniontown, Pennsylvania, in June 1961; and

WHEREAS, This conference continued for 25 consecutive years under his leadership and that of Dean James W. Smudski; and

WHEREAS, The theme of the conferences, "More Effective Teaching Through Better Personal Relations," has been successfully achieved; and

WHEREAS, Mr. and Mrs. Donald D. Shoemaker, proprietors of this historic inn, have worked with the University of Pittsburgh School of Dental Medicine throughout the years to insure that all of the physical arrangements were conducive to making the conferences pleasurable and productive; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania congratulate the University of Pittsburgh School of Dental Medicine and Mr. and Mrs. Donald D. Shoemaker of Uniontown and wish them well as they continue this tradition of annual conferences for faculty motivation and inspiration; and be it further

RESOLVED, That copies of this resolution be delivered to Dean James W. Smudski, School of Dental Medicine, Pittsburgh, Pennsylvania, and to Mr and Mrs. Donald D. Shoemaker of the Mount Summit Inn, Uniontown, Pennsylvania.

SENATE AT EASE

The PRESIDENT pro tempore. The Senate will stand at ease pending the House action on the report of the Committee of Conference.

(The Senate was at ease.)

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 549**.

BILL SIGNED

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

SB 549.

ADJOURNMENT

Senator TILGHMAN. Mr. President, I move the Senate do now adjourn until Tuesday, May 26, 1987, 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 5:05 p.m., Eastern Daylight Saving Time.