

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 7, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 80

SENATE

MONDAY, December 7, 1987.

The Senate met at 3:10 p.m., Eastern Standard Time.

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

PRAYER

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

Lord, we have elected these men and these women to important positions and we seek Thy presence with them. Where there is weakness, give strength; where there is lack of knowledge, give wisdom; and where there is wavering and wondering, give stability and guidance. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 2, 1987.

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.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 356.

NOMINATIONS BY THE GOVERNOR 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 COUNCIL OF TRUSTEES OF EAST STROUDSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

December 3, 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 Gertrude Denlinger, P. O. Box 7, Pocono Pines 18350, Monroe County, Twenty-ninth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Thomas A. Bubba, Easton, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY BOARD OF ASSISTANCE

December 3, 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 Marlene Zuch Alexander (Democrat), 1701 Newport Road, Apartment 213E, Croydon 19020, Bucks County, Sixth Senatorial District, for appointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Carolyn B. Waltz, Doylestown, resigned.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY BOARD OF ASSISTANCE

December 3, 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 Frances Selvage (Democrat), 302 Merrill Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Virginia Harzinski, Curwensville, resigned.

ROBERT P. CASEY.

**RECALL COMMUNICATION
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 BLAIR COUNTY
BOARD OF ASSISTANCE**

December 3, 1987.

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 20, 1987 for the appointment of Perry M. Bruaw (Democrat), 632 Rosehill Drive, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Charles R. Harker, Newry, whose term expired.

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

ROBERT P. CASEY.

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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 laid on the table:

**MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE**

December 3, 1987.

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 August 24, 1987 for the appointment of Kathleen P. McClunay (Democrat), 826 Walnut Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Monsignor Joseph M. Luddy, Hollidaysburg, deceased.

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

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION**

December 7, 1987.

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 August 24, 1987 for the appointment of Alexander Hawkins, 1910 Ardmore Boulevard, Forest Hills 15221, Allegheny County, Forty-fourth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of

four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice Daniel B. Michie, Jr., Esquire, Rydal, whose term expired.

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

ROBERT P. CASEY.

**MEMBER OF THE FOREST COUNTY
BOARD OF ASSISTANCE**

December 7, 1987.

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 August 24, 1987 for the appointment of Elizabeth M. Zimmerman (Democrat), 117 Cypress Street, Box 210, Marienville 16239, Forest County, Twenty-fifth Senatorial District, as a member of the Forest County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Mary Remington, West Hickory, resigned.

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

ROBERT P. CASEY.

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

December 7, 1987.

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 August 27, 1987 for the appointment of Patricia M. Flynn (Democrat), 500 West Avenue, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, as a member of the Northumberland County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Louise L. Hubler, Shamokin, whose term expired.

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

ROBERT P. CASEY.

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:

December 2, 1987

Senators SHUMAKER, RHOADES, HELFRICK and AFFLERBACH presented to the Chair **SB 1193**, entitled:

An Act amending the act of July 12, 1972 (P. L. 781, No. 185), entitled, "Local Government Unit Debt Act," further providing for the limitations on debt of school districts.

Which was committed to the Committee on EDUCATION, December 2, 1987.

Senator SHUMAKER presented to the Chair **SB 1194**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring the department to replace certain mailboxes.

Which was committed to the Committee on TRANSPORTATION, December 2, 1987.

Senators GREENLEAF, HELFRICK, REIBMAN, FUMO and CORMAN presented to the Chair **SB 1195**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for construction projects.

Which was committed to the Committee on JUDICIARY, December 2, 1987.

Senators BRIGHTBILL, BELL, LEMMOND, FISHER and SHUMAKER presented to the Chair **SB 1196**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing for alternate valuation of property for inheritance tax purposes.

Which was committed to the Committee on FINANCE, December 2, 1987.

Senators SALVATORE, FISHER and LYNCH presented to the Chair **SB 1197**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the tax treatment of Pennsylvania S corporations and their shareholders; further providing for the exclusion, from "passive investment income" of Pennsylvania S corporations, of certain income derived by options and commodities dealers.

Which was committed to the Committee on FINANCE, December 2, 1987.

Senators O'PAKE, SHUMAKER, MUSTO, WENGER, REIBMAN and AFFLERBACH presented to the Chair **SB 1198**, entitled:

An Act amending the act of July 10, 1986 (P. L. 1398, No. 122), entitled "Energy Conservation and Assistance Act," providing for a radon detection program; and making appropriations from the Energy Conservation and Assistance Fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 2, 1987.

Senator RHOADES presented to the Chair **SB 1199**, entitled:

An Act making an appropriation to the Department of Environmental Resources for the purpose of acquiring real property in Carbon County, Pennsylvania, to be used as a State park.

Which was committed to the Committee on APPROPRIATIONS, December 2, 1987.

BILL SIGNED

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

HB 1130.

REPORT FROM COMMITTEE

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

HB 836 (Pr. No. 2289)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for intermediary reports in adoption.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I would request legislative leaves for the day for Senator O'Pake and Senator Williams and temporary Capitol leave for Senator Rocks.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Fisher. Senator Lincoln requests legislative leaves for Senator O'Pake and Senator Williams and temporary Capitol leave for Senator Rocks. The Chair hears no objection to the leave requests. The leaves will be granted.

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator SALVATORE and Senator STAUFFER, for today's Session, for personal reasons.

Senator LINCOLN asked and obtained leave of absence for Senator HANKINS, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, December 7, 1987.

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, December 14, 1987, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, December 14, 1987, unless sooner recalled by the Speaker of the House of Representatives.

Senator MOORE 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 MOORE. 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 MOORE and were as follows, viz:

YEAS—46

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

NAYS—1

Kelley

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.

DISCHARGE PETITIONS

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

In the Senate, December 2, 1987.

A PETITION

To place before the Senate the nomination of Carol Brown as a member of the Council on the Arts.

TO: The Presiding Officer of the Senate

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

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of William E. Breslin as a member of the State Board of Barber Examiners.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of William E. Breslin, Wilkes-Barre, Pennsylvania, as a member of the State Board of Barber Examiners, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of Fred C. Pace, Esquire, as a member of the Board of Claims.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Fred C. Pace, Esquire, Pottsville, Pennsylvania, as a member of the Board of Claims, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of Honorable Vincent P. Wiercinski as a member of the Municipal Police Officers' Education and Training Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Honorable Vincent P. Wiercinski, Dickson City, Pennsylvania, as a member of the Municipal Police Officers' Education and Training Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of Joseph L. French, Ed.D., as a member of the State Board of Psychology.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Joseph L. French, Ed.D., State College, Pennsylvania, as a member of the State Board of Psychology, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of Clair T. Kenny, Jr., as a member of the Board of Trustees of the Scranton State School for the Deaf.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Clair T. Kenny, Jr., Scranton, Pennsylvania, as a member of the Board of Trustees of the Scranton State School for the Deaf, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of Peter J. Camiel as a member of the Pennsylvania Turnpike Commission.

TO: The Presiding Officer of the Senate

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

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of James F. Malone, III, Esquire, as a member of the Pennsylvania Turnpike Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of James F. Malone, III, Esquire, Pittsburgh, Pennsylvania, as a member of the Pennsylvania Turnpike Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, December 7, 1987.

A PETITION

To place before the Senate the nomination of Father Daniel A. Valentine as a member of the Greene County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Father Daniel A. Valentine, Waynesburg, Pennsylvania, as a member of the Greene County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

GUESTS OF SENATOR JAMES E. ROSS PRESENTED TO SENATE

Senator ROSS. Mr. President, we have in the gallery today a Beaver County delegation headed by the head magistrate, Stephen Mihalic, and our tax collector from that area, Wayne Palmer, their wives and other friends. Would you and my colleagues please extend them your usual warm welcome.

The PRESIDENT. Will the guests of Senator Ross please rise so we can extend a warm Senatorial-type greeting. (Applause.)

RECESS

Senator LOEPER. Mr. President, I request a recess of the Senate until 4:30 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:30 p.m., Eastern Standard Time.

AFTER RECESS

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

CALENDAR**SB 1155 CALLED UP OUT OF ORDER**

SB 1155 (Pr. No. 1609) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1155 (Pr. No. 1609) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for persons eligible for medical assistance.

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—47

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

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.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet off the floor today to consider Senate Resolution Nos. 140 and 141 and certain nominations.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED**SB 426 CALLED UP OUT OF ORDER**

SB 426 (Pr. No. 1626) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator LOEPER, as a Special Order of Business.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 426 (Pr. No. 1626) — The Senate proceeded to consideration of the bill, entitled:

An Act providing that attorney trust funds may be placed in interest-bearing accounts and that the interest generated on such accounts be used to provide legal services for the indigent; and establishing a mechanism for the funding.

Senator LOEPER. Mr. President, I move the Senate do not concur in the amendments made by the House to Senate Bill No. 426, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS****BILL OVER IN ORDER**

SB 26 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 291 (Pr. No. 1025) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the powers and duties of the State Board of Education; requiring certain public employees to pay a fair share fee; and providing for objections to payment of a fair share fee.

On the question,

Will the Senate concur in amendments made by the House?

Senator LOEPER. Mr. President, I request that Senate Bill No. 291 go over in its order.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, I object to Senate Bill No. 291 going over in its order.

Senator LOEPER. Mr. President, I move that Senate Bill No. 291 go over in its order.

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

Senator ZEMPRELLI. Mr. President, I would remind the Democratic caucus of its discussion relative to Senate Bill No. 291, that it was agreed that we would resist any effort to have it go over at this time. I am asking for a negative vote on the motion to put the bill over.

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

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

YEAS—21

Armstrong	Helfrick	Lemmond	Shaffer
Brightbill	Hess	Loeper	Shumaker
Corman	Holl	Madigan	Tilghman
Fisher	Hopper	Moore	Wenger
Greenleaf	Jubelirer	Peterson	Wilt
Greenwood			

NAYS—26

Afflerbach	Lewis	Regoli	Scanlon
Andrezeski	Lincoln	Reibman	Stapleton
Bell	Lynch	Rhoades	Stewart
Bodack	Mellow	Rocks	Stout
Fumo	Musto	Romanelli	Williams
Jones	O'Pake	Ross	Zemprelli
Kelley	Pecora		

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

And the question recurring,
Will the Senate concur in amendments made by the House?

MOTION TO SUSPEND RULES

Senator KELLEY. Mr. President, I move to suspend Rule XV in order to offer amendments to the House amendments to Senate Bill No. 291.

The PRESIDENT. Senator Kelley moves the suspension of Rule XV for the purpose of offering amendments to House amendments.

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

Senator LOEPER. Mr. President, I would oppose the motion to suspend the Rules, and I would ask for a negative vote.

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

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

YEAS—25

Afflerbach	Lewis	Pecora	Scanlon
Andrezeski	Lincoln	Regoli	Stapleton
Bell	Lynch	Reibman	Stewart
Bodack	Mellow	Rocks	Stout
Fumo	Musto	Romanelli	Williams
Jones	O'Pake	Ross	Zemprelli
Kelley			

NAYS—22

Armstrong	Helfrick	Loeper	Shaffer
Brightbill	Hess	Madigan	Shumaker
Corman	Holl	Moore	Tilghman
Fisher	Hopper	Peterson	Wenger
Greenleaf	Jubelirer	Rhoades	Wilt
Greenwood	Lemmond		

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

And the question recurring,
Will the Senate concur in amendments made by the House?

Senator LOEPER. Mr. President, I would remind the Members of the Senate that this is essentially the same type of legislation which was before the Senate, except in a different form, a few weeks ago. The bill that currently is before the Senate mandates an agency shop for public employees unions. It seems that once again we are faced with this kind of an issue just previous to the holiday recess. It seems that once again we have those in this General Assembly who seek to play Santa Claus for the state employee unions and Scrooge for those individuals who have exercised their freedom of choice and decided to neither join nor contribute to any type of union. Many believe the agency shop could just be the Grinch that steals our confidence and our commitment to an improved business climate in Pennsylvania. Once again, as I indicated, it is the same kind of legislation that has faced this General Assembly once before, and I would urge my colleagues to cast a vote in the negative.

Senator LINCOLN. Mr. President, after fifteen years of serving in this General Assembly, I guess I should not be amazed at how two people, who seem to be very similar in background and in a lot of things in their personal characteristics, could have such a terrific difference of opinion on an issue. I see this as an opportunity for the millions of men and women in this country who have chosen to pay the dues to pay their way for all of the marvelous things that the unions have been able to negotiate for them, where they do not have to worry about being fired at the whim of a new Administration, whether it be Democratic or Republican, where they have health care that is sufficient to take care of their families, where they have all kinds of benefits that go along with the union-negotiated contract, and during that period of time when the good people, the majority of the people who pay their union dues, have been carrying those individuals who, for reasons other than religious reasons, and maybe those reasons are just that they are too cheap to pay their own way, are being asked to pay their fair share, nothing more. I do not know how that can be the Grinch. I do not know how it can be tied in with Christmas at all other than the workingmen and women in this Commonwealth who have been paying those dues to see that they are protected in the workplace as far as their own personal health and safety is concerned, in their job protection, in their health and welfare benefits, and, yes, in a retirement so they can someday live very happily with their families and not have to beg on the streets. Those are the kinds of things that those card-carrying union members who

chose to pay their own fair way have brought about over the years. If everyone felt like the few who decide they do not want to participate, believe me, those few would suffer greatly. They would be the Grinch, and they would think the Grinch had come to visit them every day, not just at Christmastime. I cannot see any good reason for not saying that everyone should pay their fair share, and I would urge a positive vote on this bill.

Senator ZEMPRELLI. Mr. President, I can very truthfully say to the Members of the Senate that, coming from western Pennsylvania, I did not understand there were organizations that were not subject to the agency shop. It was a concept that was born and had its genesis, I am sure, with Samuel Gompers, but after that, in a sense, the very birthplace of the kind of concept that was generated for agency shop was western Pennsylvania. It has worked very successfully. If it were not for the fact that labor had the right to organize, I am sure conditions would be a lot different. That is not to place a blanket endorsement of everything that labor has done. As I have suggested before, there have been moments in which they have had great glory and there have been other moments that have been rather sad, but any movement, any concept that is worth fighting for and worth generating interest in, has had that kind of undulation in terms of where it is over the years.

It is difficult for me to understand this late in the game that there are persons who are a part of a party body politic—call it what you will—who can receive the benefits from that society of people and not be required to at least pay a prorated share of the costs of acquiring those benefits. It is a very, very common concept. It is the very concept that is used by corporations at the administrative level with respect to many items that make those corporations successful. It is expected in a little different sense. It is fair, F-A-I-R, that all the recipients of benefits will at least make some contribution. If the Rules had been suspended, I know all of us know that the amendments of the gentleman from Westmoreland, Senator Kelley, would have made a change that would have reduced the cost to a basic sense of what the cost of that representation is, in terms of those who would do the things in terms of representation without the frills or other costs that would be associated with political endeavors and the like that all of us would be concerned about.

Mr. President, it is just difficult for me to understand why in 1987 we would still be arguing about the need to have a sense of agency shop. Call it what you will. I am not particularly pleased with the use of the name "Scrooge," because I would have used him in a different context. I certainly would not have been identifying that with the labor movement. I ask for an affirmative vote on the bill that is before us, and let us get this issue behind us once and for all.

Senator ROCKS. Mr. President, like last week when I opposed legislation dealing with this issue, my articulation in opposing it tonight falls again somewhere between those descriptions given by the leadership desk on each side. First—and I will reiterate what was a position I believe in strongly

and is the same as that of last week—in the truest spirit of trade unionism, I believe the concept of agency shop as related to a union shop will be negotiated at the bargaining table in the collective bargaining process and not a dictate by a legislative act, a mandate in statute, that we determine here in our Legislature.

Secondly—and I alluded to this also last week, except tonight it is one step worse—the one union would benefit from the legislation as it is in front of us tonight for a vote, and I want to say this as sincerely as I can, understanding the representatives of the state employees union were prepared, had we succeeded with the suspension of the Rules, to accept and support a negotiated piece of legislation. But, short of having accomplished that, and I, myself, will be one of the people who the gentleman from Allegheny, Senator Zemprelli, alluded to who would like to support, I think, the carefully thought through definition of a "fair share fee" of the gentleman from Westmoreland, Senator Kelley. What we have tonight is we have brothers and sisters of AFSCME, who happen to be men and women because their job is in the classroom, who happen to be brothers and sisters in the AFL-CIO, who will not be included in the bill as it now stands before us for final passage or final consideration. That to me is something somewhat less than fair. Standing on those positions, it will be my intention again on this legislation to vote "no."

Senator KELLEY. Mr. President, again, I just want the record to be clear that the comprehension of the fairness of the contribution of the nonmembers is what most concerns me. As it is in the bill, I do not believe it is acceptable with the reasonableness of judgment, because it implies very clearly that the full amount of the union dues would be paid equal to the membership. There are mechanical ways by which it can be reduced, but I do not believe it is fair, in the first instance, to put those people who choose on their own to not be members, even though they benefit. As I said earlier on a similar issue within the last two weeks, the concept, on the one hand, is we would never want to force people to be members of a voluntary organization. That is wrong. Nor do we in this country in a sense of fairness and equity expect people to benefit without paying their fair share. As the bill is presently drafted before us and we are not going to have the opportunity to offer the amendments, it is not a fair share by definition. It is more than, and that is just as wrong as it already exists. Again, as I said, we are trying to correct an inequitable situation in an inequitable manner. It is not fair and it is unacceptable to me.

And the question recurring,

Will the Senate concur in amendments made by the House?

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

Senator HOLL. 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—23

Afflerbach	Lewis	Pecora	Stapleton
Andrezeski	Lincoln	Regoli	Stewart
Bell	Lynch	Reibman	Stout
Bodack	Mellow	Romanelli	Williams
Fumo	Musto	Ross	Zemprelli
Jones	O'Pake	Scanlon	

NAYS—24

Armstrong	Helfrick	Lemmond	Rocks
Brightbill	Hess	Loeper	Shaffer
Corman	Holl	Madigan	Shumaker
Fisher	Hopper	Moore	Tilghman
Greenleaf	Jubelirer	Peterson	Wenger
Greenwood	Kelley	Rhoades	Wilt

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

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

MOTION TO APPOINT COMMITTEE OF CONFERENCE

Senator LOEPER. Mr. President, I move that the President pro tempore of the Senate appoint a Committee of Conference.

MOTION TO RECONSIDER SB 291

Senator ZEMPRELLI. Mr. President, I would move that the vote by which Senate Bill No. 291 was defeated be reconsidered and that the bill be placed upon the table.

The PRESIDENT. The Chair would advise that the motion from the gentleman from Delaware, Senator Loeper, was made first and we will deal with that motion.

The motion was that the President pro tempore appoint a Committee of Conference.

Senator LOEPER. May we be at ease, Mr. President.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

The Majority Leader has asked to be at ease for a few more moments. The Senate will be at ease.

(The Senate was at ease.)

MOTION WITHDRAWN

Senator LOEPER. Mr. President, I withdraw my motion to appoint a Committee of Conference.

RECONSIDERATION OF SB 291

BILL LAID ON THE TABLE

Senator ZEMPRELLI. Mr. President, I would also withdraw the motion I made and would move at this time that the vote by which Senate Bill No. 291, Printer's No. 1025, was defeated be reconsidered.

The PRESIDENT. Senator Zemprelli moves that the vote by which Senate Bill No. 291 was defeated be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate concur in amendments made by the House?

Senator ZEMPRELLI. Mr. President, at this time I would move that Senate Bill No. 291, Printer's No. 1025, be placed upon the table.

The PRESIDENT. Senator Zemprelli moves that Senate Bill No. 291 be placed upon the table.

On the question,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, I would oppose the motion that Senate Bill No. 291 be laid upon the table and ask for a negative vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

Afflerbach	Lewis	Pecora	Scanlon
Andrezeski	Lincoln	Regoli	Stapleton
Bell	Lynch	Reibman	Stewart
Bodack	Mellow	Rocks	Stout
Fumo	Musto	Romanelli	Williams
Jones	O'Pake	Ross	Zemprelli
Kelley			

NAYS—22

Armstrong	Helfrick	Loeper	Shaffer
Brightbill	Hess	Madigan	Shumaker
Corman	Holl	Moore	Tilghman
Fisher	Hopper	Peterson	Wenger
Greenleaf	Jubelirer	Rhoades	Wilt
Greenwood	Lemmond		

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

The PRESIDENT. Senate Bill No. 291 will be laid on the table.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request temporary Capitol leave for Senator Ross.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 429 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
OVER IN ORDER

SB 1056 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AMENDED

HB 392 (Pr. No. 1916) — 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 penalties for certain candidates who file false affidavits.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 1802.1), page 2, lines 4 through 9, by striking out "be guilty of a" in line 4, all of lines 5 through 9 and inserting: , in litigation which results in the removal of the candidate from the ballot, be liable for court costs, including filing fees, attorney fees, investigation fees and similar costs, in an amount up to ten thousand (\$10,000) dollars.

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, the original intent of this legislation was to add additional penalties to individuals making false statements on nomination petitions. However, I believe the amendment would better get us to that end than the bill would. The bill in its present form calls for making that offense a misdemeanor with a \$500 fine and two years in jail. Mr. President, it is already a criminal offense to file a false statement on a nomination petition. The oath is taken in front of a notary which makes it the crime of perjury. I suspect the reason why the courts have not asked the district attorneys in the various counties to prosecute these cases is that they view it as de minimis when compared to the other felonies of perjury, et cetera. So what we have sought to do in this amendment is that in addition to the already criminal penalty of perjury, we have now added the fact that the individual making the statement would be liable for the court costs, attorney fees, investigator fees and other fees up to a maximum of \$10,000. What occurs many times, Mr. President, is that people will be challenged on this, go to court and the courts will rule that, in fact, the statements are false but there is no civil remedy for the plaintiff who has had to expend, usually, a large amount of money to file the petition and have the case heard. I feel if we add the civil remedy to the already criminal provisions, we will, hopefully, ensure that statements that are filed on nominating petitions will, in fact, be truthful. I urge an affirmative vote, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The lady will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—25

Afflerbach	Lincoln	Regoli	Stapleton
Andrezeski	Lynch	Reibman	Stewart
Bodack	Mellow	Rocks	Stout
Fumo	Musto	Romanelli	Williams
Jones	O'Pake	Ross	Wilt
Kelley	Pecora	Scanlon	Zemprelli
Lewis			

NAYS—22

Armstrong	Greenwood	Lemmond	Rhoades
Bell	Helfrick	Loeper	Shaffer
Brightbill	Hess	Madigan	Shumaker
Corman	Holl	Moore	Tilghman
Fisher	Hopper	Peterson	Wenger
Greenleaf	Jubelirer		

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

The PRESIDENT. House Bill No. 392 will go over in its order, as amended.

SB 723 (Pr. No. 1601) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," further providing for licensing, permitting and other requirements for the land disposal of sewage sludge.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LINCOLN, by unanimous consent, offered the following amendment:

Amend Sec. 2 (Sec. 204), page 4, line 4, by inserting after "DISTRICT": , or in a county where there is no conservation district, with the county health department,

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 LINCOLN.

SB 830 (Pr. No. 1001) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing a statute of limitations regarding the institution of lawsuits against professional land surveyors and landscape architects.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for the cost of certain journals published for district justices; and

Amend Sec. 1, page 1, lines 7 and 8, by striking out all of said lines and inserting:

Section 1. Section 3532 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3532. Expenses.

The Court Administrator of Pennsylvania shall pay the annual registration fee [up to \$100] of \$150 to the Special Court Judges of Pennsylvania Association for each district justice, Philadelphia Municipal Court Judge and Philadelphia Traffic Court Judge position authorized as of January 31 of each year. Payment shall be made on the first day of a new fiscal year including July 1, 1982. In addition the Court Administrator of Pennsylvania shall pay [up to \$10,000] the annual cost for the publishing of a monthly journal containing the update and revision of laws and State Supreme Court rule changes. [Funding] Except for the funding of the publication of the monthly journal which shall be a direct cost of the Office of the Pennsylvania Supreme Court Administrator, all other funding for the other expenses set forth in this section shall come from the annual appropriation made to the district justices.

Section 2. Title 42 is amended by adding sections to read:

Amend Sec. 2, page 2, line 27, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL REREFERRED

SB 915 (Pr. No. 1153) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the inspection for safety of certain commercial vehicles.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 979 (Pr. No. 1618) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," prohibiting certain loans; permitting an institution's board to fix directors' qualifications; authorizing banks to invest in the stock of savings associations; granting additional powers to banks and savings banks; revising lending and investment authorities for banks and savings banks; expanding the definition of "region"; further providing for all rates and charges of nonresident cardholders; and providing for cumulative voting in banking institutions.

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—47

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

NAYS—0

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

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

SB 980 (Pr. No. 1619) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," reducing the number of incorporators of a savings association; granting additional powers to savings associations; further providing for stock conversions and stock associations; provide for indemnification; revising lending authorities and limitations; permitting regional ownership of service corporations; revising the restrictions on the transaction of business in this Commonwealth by foreign corporations; eliminating the Savings Association Board; revising advertising requirements in connection with mergers and other transactions; making provision for mergers and other transactions with Federal savings banks; further providing for all rates and charges of nonresident cardholders; and repealing certain provisions.

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—47

Afflerbach	Hess	Mellow	Scanlon
Andrezeski	Holl	Moore	Shaffer
Armstrong	Hopper	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Brightbill	Kelley	Peterson	Stout
Corman	Lemmond	Regoli	Tilghman
Fisher	Lewis	Reibman	Wenger

Fumo	Lincoln	Rhoades	Williams
Greenleaf	Loeper	Rocks	Wilt
Greenwood	Lynch	Romanelli	Zemprelli
Helfrick	Madigan	Ross	

NAYS—0

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

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

BILLS OVER IN ORDER

HB 1044, SB 1053, 1093 and 1133 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1211 (Pr. No. 1699) — The Senate proceeded to consideration of the bill, entitled:

An Act selecting, designating and adopting official steam and electric locomotives of the Commonwealth of Pennsylvania.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

HB 1718 (Pr. No. 2143) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Fourth Street Bridge in the Borough of Huntingdon, Huntingdon County, as the Sgt. William D. Port Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 14, HB 95, 96, 199, 272, 399 and SB 657 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 931 (Pr. No. 1013) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law," further providing for the acquisition of blighted property by redevelopment authorities for certain uses and the means of financing the purchase of property.

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

BILLS OVER IN ORDER

SB 956 and 1143 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1167 (Pr. No. 1642) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, authorizing the Governor to utilize public or quasi-public property; changing the organization of the council; expanding powers and duties; ratifying reorganization structure; further regulating authority of political subdivisions; expanding compensation for injuries; creating the office of Pennsylvania State Fire Commissioner; providing for the Pennsylvania State Fire Academy and the Pennsylvania Volunteer Loan Assistance Program; and reestablishing the Pennsylvania Emergency Management Agency.

Considered the second time and agreed to,

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

SB 1169 (Pr. No. 1589) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), entitled, as amended, "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," adding a definition of "rescue vehicle"; increasing the loan limits for any single firefighting apparatus equipment or utility or special service vehicle; and further providing for loan limits for ambulances and rescue vehicles.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 1183 (Pr. No. 2598) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the composition of the Board of Directors of the Energy Development Authority and for voting by the board of directors; and changing the limit on Energy Development Authority indebtedness.

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

BILL OVER IN ORDER

HB 1453 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Philip H. Daubert by Senator Armstrong.

Congratulations of the Senate were extended to Dorothy E. Murphy and to the Bethel Park Senior High School Boys Golf Team by Senator Fisher.

Congratulations of the Senate were extended to Supplee Memorial Presbyterian Church of Maple Glen by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. John S. Uram by Senator Helfrick.

Congratulations of the Senate were extended to the Association of Pennsylvania State College and University Faculties by Senator Hess.

Congratulations of the Senate were extended to Mr. and Mrs. John Blazes, Mr. and Mrs. George Devens, Mr. and Mrs. Joseph Fusco, Mr. and Mrs. L. W. Gilpin, Sr., Mr. and Mrs. Leo Waring, Donald C. Brink, David A. Chase and to Carrie Krause by Senator Lemmond.

Congratulations of the Senate were extended to David J. Hein and to the Consumer Credit Counseling Service of Northeastern Pennsylvania by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Giardina and to Mae Middleton McHugh by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel Pagano, Helen Brylewski and to Alice Doran Murphy by Senator Rhoades.

Congratulations of the Senate were extended to Louis M. Slautterback and to Larry Youkers by Senator Shaffer.

Congratulations of the Senate were extended to the Susquehanna Township High School (Indians) Varsity Football Team by Senator Shumaker.

Congratulations of the Senate were extended to Howard Thorkelson by Senators Shumaker and O'Pake.

Congratulations of the Senate were extended to Alfred Gearhart by Senator Stapleton.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Catherine Bernoski by Senator Lemmond.

Condolences of the Senate were extended to the family of the late Vernon O. Ames by Senator Rhoades.

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:

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

December 7, 1987.

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 July 2, 1987 for the appointment of Dahle D. Bingaman, D.Ed., Box 94, R. D. 1, Milmont 17845, Union County, Twenty-seventh Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, or until his successor is appointed and qualified, but not longer than ninety days beyond the expiration of his term, vice Walter L. Crocker, whose term expired.

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

ROBERT P. CASEY.

RECESS

Senator LOEPER. Mr. President, at this time 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 begin immediately in the Rules Committee room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin

immediately and to last a very brief time, the Senate will stand in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator BRIGHTBILL, 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 COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

October 20, 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 Julia Ansell, 217 Fourth Street, California 15419, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

October 20, 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 Steven P. Stout, R. D. 2, Box 328, Brehm Road, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice James Leonard, Washington, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

October 21, 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 Sharon Traino, 2001 Chestnut Avenue, Barnesboro 15714, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Herbert Sherer, Johnstown, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

October 15, 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 Romaine Campenni, 23 East Sunrise Drive, Somerset Park, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until June 24, 1990 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice The Reverend Walter Harrison, Breinigsville, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

October 5, 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 Robert F. McGinley, 250 Dana Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Physical Therapy, 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 Harry E. Mason, Lemoyne, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

October 20, 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 John P. Robin, 303 Dithridge House, 220 North Dithridge Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Planning Board, to serve until November 24, 1990, and until his successor is appointed and qualified, vice The Honorable Arthur A. Davis, confirmed as Secretary of Environmental Resources.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

October 21, 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 John W. Ponds, 1040 Oranmore Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Planning Board, to serve until December 31, 1990, and until his successor is appointed and qualified, vice Frederick W. Anton, III, Esq., Saint Davids, resigned.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 20, 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 Alice C. Chambers, 10 North Darlington Street, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice John Unruh, Morton, whose term expired.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator BRIGHTBILL. 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
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE**

December 3, 1987.

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 20, 1987 for the appointment of Perry M. Bruaw (Democrat), 632 Rosehill Drive, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Charles R. Harker, Newry, whose term expired.

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 BRIGHTBILL. 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 BRIGHTBILL,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator BRIGHTBILL. 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 AUCTIONEER EXAMINERS**

September 28, 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 Margaret H. Hamilton (Public Member), 1036 Liberty Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve for three years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Theodis Moye, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF CLAIMS

September 30, 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 Fred C. Pace, Esquire, 1601 Oak Road, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

September 25, 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 Robert D. Myers, 346 Gettysburg Pike, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve until June 20, 1993, or until his successor shall have been appointed and qualified, vice Edward Gerjuoy, Ph.D., Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

August 24, 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 Louise Comins Waxler, 112 Gates Avenue, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Samuel W. Jack, Jr., Indiana, resigned.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE
OFFICERS' EDUCATION AND
TRAINING COMMISSION

July 24, 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 Carolyn Young, 2814 Morlock Avenue, McKeesport 15132, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1990, and until her successor is appointed and qualified, vice Martin Schneider, D.D.S., Lebanon, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE GENERAL HOSPITAL

August 24, 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 Charles M. LeStrange, 1116 Richmond Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Scranton State General Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Angelo P. Blasi, Moosic, resigned.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

August 24, 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 Jacqueline A. Smith (Democrat), 2111 Ninth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Barbara Dively, Altoona, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE

August 24, 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 Kathy W. James (Democrat), R. D. 1, Box 386, Slippery Rock 16057, Butler County, Twenty-first Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Richard J. Robertson, Ph.D., Butler, resigned.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

August 27, 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 Malcolm E. Arter (Democrat), R. D. 1, Box 227, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Helen R. Rowe, Sunbury, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

August 27, 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 Lloyd W. Baysore (Democrat), 711 Elm Street, Watsonstown 17777, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Nancy A. Forbes, Sunbury, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

August 27, 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 Dianne M. Callahan (Democrat), 1446 West Arch Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Albert Pupo, Kulpmont, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

August 27, 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 Dennis M. Lentini (Democrat), 712 Chestnut Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Frank A. Ferrari, Mount Carmel, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

August 27, 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 Roland Miller (Democrat), 216 North Tenth Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Donald E. Miller, North Hills, 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 BRIGHTBILL and were as follows, viz:

YEAS—47

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

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.

COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE

Senator BRIGHTBILL called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

December 3, 1987.

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 August 24, 1987 for the appointment of Kathleen P. McInay (Democrat), 826 Walnut Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Monsignor Joseph M. Luddy, Hollidaysburg, deceased.

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

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

December 7, 1987.

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 July 2, 1987 for the appointment of Dahle D. Bingham, D.Ed., Box 94, R. D. 1, Milmont 17845, Union County, Twenty-seventh Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, or until his successor is appointed and qualified, but not longer than ninety days beyond the expiration of his term, vice Walter L. Crocker, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

December 7, 1987.

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 August 24, 1987 for the appointment of Alexander Hawkins, 1910 Ardmore Boulevard, Forest Hills 15221, Allegheny County, Forty-fourth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice Daniel B. Michie, Jr., Esquire, Rydal, whose term expired.

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

ROBERT P. CASEY,
MEMBER OF THE FOREST COUNTY
BOARD OF ASSISTANCE

December 7, 1987.

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 August 24, 1987 for the appointment of Elizabeth M. Zimmerman (Democrat), 117 Cypress Street, Box 210, Marienville 16239, Forest County, Twenty-fifth Senatorial District, as a member of the Forest County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Mary Remington, West Hickory, resigned.

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

ROBERT P. CASEY,
MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

December 7, 1987.

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 August 27, 1987 for the appointment of Patricia M. Flynn (Democrat), 500 West Avenue, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, as a member of the Northumberland County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Louise L. Hubler, Shamokin, whose term expired.

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

ROBERT P. CASEY
NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 836.

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

PETITIONS AND REMONSTRANCES

Senator SHUMAKER. Mr. President, I would like the record to show that there was a voice vote taken to nonconcur on Senate Bill No. 426, which is an IOLTA bill, and had there been a roll call vote, I would have voted to concur in this bill. I only trust that this does not suffer the same fate as the bill in which I was a cosponsor last year, as I was a cosponsor this year, and that the people who need these services—the elderly, the disabled, the homeless, the victims of abuse, and seasonal farm workers—are not again denied the legal services they so desperately need.

Senator LINCOLN. Mr. President, earlier today during the Special Session that has been called to deal with a very important issue, the reform of local taxes, I, along with a number of other Members of my caucus, introduced a series of discharge resolutions that would, if successful, allow the ten-bill package that makes up the complete proposal that Governor Casey sent to the General Assembly in his much publicized effort to reform local taxes. The filing of a discharge petition is at the very least an extreme measure, but we are moving through the Special Session and to date we have not even had a Calendar. We have not had a committee meeting, we do not have a piece of legislation that has even been discussed at any level. I think the population of the Commonwealth of Pennsylvania, the many constituents that we, the fifty Members of this Senate, represent, should be given at least an opportunity to see how we, their Senators, feel about this tremendous issue. In my fifteen years in public office here in the General Assembly, I have never seen an issue generate as much positive publicity, and for the General Assembly, particularly the Senate, to ignore the hue and cry of many of our constituents for the very badly needed reforms in this ten-bill package, amazes me. I realize the likelihood of us being able to have any of these discharge resolutions pass is very remote, at least. We must have a commitment from the Republican caucus here in the Senate to allow those pieces of legislation to be acted upon in committee and put on the Calendar so that we will deal with them, and if they have something to add to make those bills better, the amendment process would work just as well in the Special Session as it would in a Regular Session.

I would urge my colleagues in the Majority to consider some of those bills, if not all of them, and to consider the many people across Pennsylvania who are looking at the General Assembly with the great expectation of us coming to some compromise and some conclusion which will bring about tax reform here in Pennsylvania and, hopefully, before the end of this year.

Senator LOEPER. Mr. President, in response to the gentleman, I would just simply indicate that I think each and every

one of us in this General Assembly, whether it be in the House or the Senate, are vitally interested about tax reform throughout Pennsylvania. We realize the severe problems many of our municipalities, our school districts and our counties are facing as far as revenue shortfalls, as far as financing services that are necessary in order to operate those entities of government. Particularly speaking from a parochial point of view, coming from the southeast, we are very concerned about the effect of the wage tax on not only the City of Philadelphia but, more importantly, as a suburban legislator, the southeast counties. There have been many proposals over several years to try to deal with that particular issue. We share in the concern to try and make meaningful tax reform for Pennsylvania, but what we are not interested in is simply shifting the burden from one person's pocket to another pocket and actually creating a situation where we are going to increase taxes in the long run and not provide meaningful tax relief to the people of Pennsylvania. However, we do share the concern of trying to find some common ground, some consensus that we can move forward for Pennsylvania and provide meaningful tax reform.

Senator LINCOLN. Mr. President, I thank the Majority Leader for those words, although I am not certain whether they are words of encouragement or not. I think his concern about what we might do as far as finally passing legislation dealing with tax reform on a local level would be good or bad. I say Governor Casey has made a very bold move and has put himself before the 12 million people who live in this Commonwealth with a plan. If that plan needs improvement or if that plan needs to be changed, then I say, on behalf of Governor Casey, I challenge the Majority Leader and his party to at least deal with those issues at the committee level, as we have formed a special committee and those people are in place. On November 10th, six bills were introduced and referred to that committee, on November 17th the remaining four bills. Today is, I believe, the 7th of December and we have had not one committee meeting. We have not had one effort and not one initiative on the part of the Majority to come up with anything that would be meaningful or come up with an opportunity for everyone to meet here on the floor where we should be deciding issues and offer amendments and debate the issues, where there is no other way that we would come to some conclusion and, hopefully, a positive conclusion and make good changes in the law. There is no other way to do that other than the process that has been going on in this Commonwealth for a couple hundred years, and that is here you say your piece, you defend your position, you offer your position and we vote, and however that vote comes out we accept it, and, hopefully, it would be in the best interest of all of our constituencies. My caucus is ready, willing and able to do whatever is necessary, to spend whatever time is necessary, to finally get this issue resolved. I would urge once again the Majority Party here in the Senate to take a more positive look and take some action on those ten bills or whatever pieces of legislation they would feel they would want to deal with.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following resolutions:

SR 140 (Pr. No. 1639)

A Resolution expressing the sense of the Senate in opposition to the imposition of a fee on imported crude oil and refined petroleum products.

SR 141 (Pr. No. 1640)

A Concurrent Resolution urging the Citizen Stamp Advisory Committee of the United States Postal Service to issue a stamp honoring American horology.

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

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

December 7, 1987

HB 668 — Committee on Law and Justice.

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:

December 7, 1987

Senators WENGER, MELLOW, BRIGHTBILL, LINCOLN, LOEPER, JUBELIRER, O'PAKE, STAUFFER, LEWIS, SALVATORE, FUMO, ROSS, TILGHMAN, HANKINS and JONES presented to the Chair **SB 1200**, entitled:

An Act amending the act of May 5, 1933 (P. L. 364, No. 106), entitled, as amended, "Business Corporation Law," providing for option and conversion rights; further providing for the rights of shareholders; and providing for job protection.

Which was committed to the Committee on JUDICIARY, December 7, 1987.

Senators LOEPER, JUBELIRER, LINCOLN, WENGER, SALVATORE, LEMMOND, MADIGAN, RHOADES, SHAFFER, SHUMAKER, ROMANELLI, AFFLERBACH, BRIGHTBILL, CORMAN and KELLEY presented to the Chair **SB 1201**, entitled:

An Act amending Title 50 (Mental Health) of the Pennsylvania Consolidated Statutes, adding provisions relating to mental health and mental retardation services and procedures; and making repeals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 7, 1987.

Senator HOLL presented to the Chair **SB 1202**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment of members of the Pennsylvania Public Utility Commission.

Which was committed to the Committee on **CONSUMER PROTECTION AND PROFESSIONAL LICENSURE**, December 7, 1987.

Senators **RHOADES, SHAFFER, ANDREZESKI, BRIGHTBILL** and **LYNCH** presented to the Chair **SB 1203**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the discount sale of liquor.

Which was committed to the Committee on **LAW AND JUSTICE**, December 7, 1987.

Senators **HOLL, HOPPER, LEWIS, SALVATORE** and **WENGER** presented to the Chair **SB 1204**, entitled:

An Act providing for motor vehicle financial responsibility; and making a repeal.

Which was committed to the Committee on **BANKING AND INSURANCE**, December 7, 1987.

Senators **HOLL, HOPPER, LEWIS, SALVATORE** and **HESS** presented to the Chair **SB 1205**, entitled:

An Act providing for the establishment of an Index Bureau; and requiring insurers to submit monthly reports to the bureau.

Which was committed to the Committee on **BANKING AND INSURANCE**, December 7, 1987.

Senators **HOLL, HOPPER, LEWIS, SALVATORE** and **WENGER** presented to the Chair **SB 1206**, entitled:

An Act amending the act of December 29, 1972 (P. L. 1713, No. 367), entitled "Motor Vehicle Physical Damage Appraiser Act," further providing for selection of repair shops.

Which was committed to the Committee on **BANKING AND INSURANCE**, December 7, 1987.

RESOLUTIONS INTRODUCED AND REFERRED

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

December 7, 1987

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CHANGE THE MANNER OF COMPUTING FIGURES FOR THE UNITED STATES CENSUS

Senators **JUBELIRER, WENGER, LOEPER, BRIGHTBILL, SCANLON, SHUMAKER, SHAFFER, STOUT, LINCOLN, HELFRICK, SALVATORE, AFFLERBACH, PECORA, CORMAN, BELL** and **FISHER** offered the following resolution (**Senate Resolution No. 143**), which was read and referred to the Committee on State Government:

In the Senate, December 7, 1987.

A RESOLUTION

Memorializing the Congress of the United States to change the manner of computing figures for the United States Census.

WHEREAS, The population count as ascertained at the decennial census is used by the United States Bureau of the Census in the automatic apportionment formula by which representation in the United States House of Representatives is apportioned among the several states following each decennial census; and

WHEREAS, The Bureau of the Census includes in this population figure all persons living in the United States on the day of the census without regard to legal residence in this country; and

WHEREAS, Aliens illegally residing in this country and aliens without permanent resident status clearly are not entitled to vote and exercise other rights of participation in the political process and the inclusion of such persons in the figures upon which representation is to be based is inconsistent with this fact; and

WHEREAS, The counting of such aliens demonstrably does distort the apportionment of representation in the United States House of Representatives; and

WHEREAS, It is imperative that the United States Bureau of the Census use its resources and expertise to achieve the highest possible degree of accuracy in the actual numbers counted in the 1990 decennial census and thereafter; and

WHEREAS, The implementation of an adjustment of the actual numbers counted in the census through a post-enumeration survey will detract and divert resources from the effort of achieving the most accurate count possible of actual numbers in the census itself; and

WHEREAS, The implementation of an adjustment will discourage various interest groups from working to ensure that the most accurate count possible will be obtained in the actual census; and

WHEREAS, The post-enumeration survey should be used only to evaluate the census and to improve its process in the future and should not be used to replace the actual numbers counted in the census; and

WHEREAS, Implementation of adjusted figures will provide a census with two sets of numbers and will likely result in lawsuits challenging the validity of the adjusted figures over the actual count and raise constitutional issues for states desiring to use the actual count for intrastate reapportionment; and

WHEREAS, The United States bureau of the Census currently excludes from its official census figures United States citizens who are temporarily residing overseas, including missionaries, service personnel, business representatives, students and the spouses and dependents of such people; and

WHEREAS, These citizens temporarily residing overseas have the right to vote through the absentee voter process and are thereby entitled to representation; and

WHEREAS, The exclusion of these citizens from the official census figures results in their home states being denied proportional representation in the United States House of Representatives; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation to:

(1) require the United States Bureau of the Census to adopt procedures for the census of 1990 and thenceforth which will exclude illegal aliens and aliens admitted for temporary residences pursuant to the Immigration Reform and Control Act of 1986 from the figures upon which apportionment in the United States House of Representatives will be determined;

(2) prohibit the United States Bureau of the Census from adjusting the actual census figures in the 1990 census and thereafter through the use of a post-enumeration survey; and

(3) require the United States Bureau of the Census to develop and adopt procedures for including United States citizens temporarily residing overseas in the census of 1990 and thereafter;

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.

**MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO ADOPT LEGISLATION
WHICH WOULD PROHIBIT THE IMPORTATION
INTO THE UNITED STATES OF ITEMS
MANUFACTURED BY CHILD LABOR WHICH IS
IN VIOLATION OF INTERNATIONALLY
RECOGNIZED CHILD LABOR RIGHTS**

Senators ANDREZESKI, ZEMPRELLI, LYNCH, REIBMAN, JONES, GREENWOOD, HANKINS, REGOLI and MUSTO offered the following resolution (**Senate Resolution No. 144**), which was read and referred to the Committee on Labor and Industry:

In the Senate, December 7, 1987.

A RESOLUTION

Memorializing the Congress of the United States to adopt legislation which would prohibit the importation into the United States of items manufactured by child labor which is in violation of internationally recognized child labor rights.

WHEREAS, At least 88 million children and possibly as many as 200 million children between the ages of 11 and 15 currently serve in the world's work force; and

WHEREAS, Child workers frequently labor under extremely hazardous conditions at virtually no pay, and in excess of the hours allowed by law for adults; and

WHEREAS, The use of child labor is growing in many underdeveloped nations as industries in these countries strive to meet the demand created for their products by developed and advanced nations; and

WHEREAS, The exploitation of child labor does grave physical, mental, emotional and moral harm to children, and greatly weakens society's future capacity for economic growth and development; and

WHEREAS, There exist recognized international child labor standards, which include the minimum age for admission to employment designed to assure the fullest physical and mental development of young persons; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania, through the passage of this resolution, encourage the members of the United States Congress to support legislation, currently in the United States House of Representatives, which puts economic pressure on countries utilizing child labor in order to change their labor practices; 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.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 8, 1987

- | | | |
|------------|---|---|
| 9:30 A.M. | CONSUMER PROTECTION
AND PROFESSIONAL
LICENSURE (to consider
Senate Bills No. 74, 503,
810, 918, 987, 1017, 1022,
1175 and PUC Regulations:
L-840103, L-870034; I-80090338;
57-81; State Board of Account-
ancy 16-A-158 - Proposed New
Liability Requirements) | Room 461,
4th Floor
Conference Rm.,
North Wing |
| 11:00 A.M. | BANKING AND INSURANCE
(to consider Senate Bills
No. 1204, 1205 and 1206) | Room 461,
4th Floor
Conference Rm.,
North Wing |

WEDNESDAY, DECEMBER 9, 1987

- | | | |
|------------|--|---|
| 9:30 A.M. | EDUCATION (to consider
Senate Bill No. 1083 and
House Bill No. 1735) | Room 461,
4th Floor
Conference Rm.,
North Wing |
| 10:00 A.M. | LABOR AND INDUSTRY
(to consider Senate Bill No.
1190 and any other matter
which may come before the
Committee) | Room 460,
4th Floor
Conference Rm.,
North Wing |

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, December 8, 1987, immediately following adjournment of the First Special Session.

The motion was agreed to.

The Senate adjourned at 7:15 p.m., Eastern Standard Time.