

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MARCH 21, 1988

SESSION OF 1988 172ND OF THE GENERAL ASSEMBLY

No. 18

### SENATE

MONDAY, March 21, 1988.

The Senate met at 2:17 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, the Reverend Mr. ALBERT SHAW, Pastor of the Church of the Nazarene, Oil City, offered the following prayer:

Dear Lord, as we come to You this afternoon, we come with thanksgiving and gratefulness in our hearts for a life that You have given to us this day. We are glad for another day to live and to enjoy life. We thank You for life, we thank You for all that you have given to us. We pray this day Your guidance shall be ours and Your direction shall be ours. We ask that You will watch over us, Lord, take care of us and meet our every need. We ask it in the wonderful name of Jesus. Amen.

The PRESIDENT. The Chair thanks Reverend Shaw who is the guest this week of Senator Peterson and Senator Shaffer.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 16, 1988.

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

#### 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:

### JUDGE, MUNICIPAL COURT

March 16, 1988.

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, Georganne Victoria Daher, 32-C Academy House, 1420 Locust Street, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for appointment as Judge, Municipal Court, to serve until the first Monday of January, 1990, vice The Honorable Mario F. Driggs, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

March 17, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Judith C. Lieberman, 112 East Wyoming Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

March 17, 1988.

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, Bart Burne, Ed.D., 202 North Highland Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1990, and until his successor is appointed and qualified, vice Milton T. Pollen, Allentown, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

March 17, 1988.

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, Joseph M. Kletch, 5717 Scenic View Drive, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1991, and until his successor is appointed and qualified, vice Edward Wunsch, Feasterville, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

March 17, 1988.

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, William T. McArdle, 2547 Grant Oaks Drive, Upper Saint Clair 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1990, and until his successor is appointed and qualified, vice Wayne Davis, Overbrook Hill, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

March 17, 1988.

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, Rodney E. Steffy, Sr., 1300 Alsace Road, Reading 19604, Berks County, Eleventh Senatorial District, for reappointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1990, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

March 18, 1988.

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 Paula Kimberly McFadden, 4295 Vassar Avenue, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January, 1990, vice The Honorable Franklin S. Van Antwerpen, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

March 18, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James J. Murray, 814 Harrison Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, 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 Larry L. Koup, Oberlin, whose term expired.

ROBERT P. CASEY.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 179, 429 and 1099**.

### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 668**, in which the concurrence of the Senate is requested.

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

## 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:

March 17, 1988

Senators ANDREZESKI and WILT presented to the Chair **SB 1326**, entitled:

An Act making an appropriation for the purpose of implementing the Pennsylvania portion of the United States Plan for Phosphorus Load Reduction to Lake Erie.

Which was committed to the Committee on APPROPRIATIONS, March 17, 1988.

Senators SHUMAKER, MOORE, HELFRICK, HOPPER, ANDREZESKI, SALVATORE and ZEMPRELLI presented to the Chair **SB 1327**, entitled:

An Act amending the act of June 26, 1985 (P. L. 69, No. 26), entitled "United States Constitution Bicentennial Act," extending the termination date of the commission.

Which was committed to the Committee on STATE GOVERNMENT, March 17, 1988.

Senators FISHER, MUSTO, GREENWOOD, ZEMPRELLI and LEMMOND presented to the Chair **SB 1328**, entitled:

An Act providing for the regulation of storage tanks and tank facilities; imposing additional powers and duties on the Department of Environmental Resources and the Environmental Quality Board; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 17, 1988.

## 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:

March 17, 1988

### MEMORIALIZING CONGRESS TO DEMONSTRATE ITS SUPPORT OF HOME OWNERSHIP AND IMPROVEMENT BY PASSAGE OF SENATE BILL 1522 AND HOUSE BILL 2640 WHICH EXTEND MORTGAGE REVENUE BONDS THROUGH 1992

Senators FUMO, ROMANELLI, SALVATORE, ROSS, BRIGHTBILL, STAUFFER, REGOLI, ROCKS, HELFRICK, SCANLON, JONES, STOUT, STEWART, BODACK, PECORA, REIBMAN, LINCOLN, SHAFFER, ANDREZESKI and LYNCH offered the following resolution (**Senate Resolution No. 162**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, March 17, 1988.

#### A RESOLUTION

Memorializing Congress to demonstrate its support of home ownership and improvement by passage of Senate Bill 1522 and House Bill 2640 which extend mortgage revenue bonds through 1992.

WHEREAS, Affordable housing is critical to community stability, family unity, economic development, increased employment and educational opportunities; and

WHEREAS, Pennsylvania's housing stock is fundamentally sound and provides the Commonwealth with an excellent resource; and

WHEREAS, By lowering the interest rates on loans, mortgage revenue bonds enhance the affordability of Pennsylvania's houses for Commonwealth citizens; and

WHEREAS, Several local governments and the Pennsylvania Housing Finance Agency have used mortgage revenue bonds to offer the blessings of home ownership and improvement to more than 50,000 Commonwealth families; and

WHEREAS, Pennsylvania families who use mortgage revenue bonds to purchase or improve homes have modest incomes; and

WHEREAS, Loans financed with the proceeds of mortgage revenue bonds have been made in every county of Pennsylvania; and

WHEREAS, The rate of home ownership in America is declining, and actions must be taken to encourage, not discourage, the purchase of homes by young Americans; and

WHEREAS, Mortgage revenue bonds are one of the few financial tools available to state and local governments for encouraging home purchase opportunities; and

WHEREAS, The Federal authority to issue mortgage revenue bonds expires on December 31, 1988; and

WHEREAS, Senate Bill 1522 and House Bill 2640 would extend mortgage revenue bonds through 1992; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the Congress of the United States to support and enact Senate Bill 1522 and House Bill 2640 to provide for the enhancement of the

benefits of home ownership to more Americans through the extension of mortgage revenue bonds through December 31, 1992; 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 CONGRESS TO DEMONSTRATE ITS SUPPORT OF HOME OWNERSHIP AND IMPROVEMENT BY PASSAGE OF SENATE BILL 1522 AND HOUSE BILL 2640 WHICH EXTEND MORTGAGE REVENUE BONDS THROUGH 1992

Senators FUMO, ROMANELLI, SALVATORE, ROSS, BRIGHTBILL, STAUFFER, REGOLI, ROCKS, HELFRICK, SCANLON, JONES, STOUT, STEWART, BODACK, PECORA, REIBMAN, LINCOLN, SHAFFER, ANDREZESKI and LYNCH offered the following resolution (**Senate Concurrent Resolution No. 163**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, March 17, 1988.

#### A CONCURRENT RESOLUTION

Memorializing Congress to demonstrate its support of home ownership and improvement by passage of Senate Bill 1522 and House Bill 2640 which extend mortgage revenue bonds through 1992.

WHEREAS, Affordable housing is critical to community stability, family unity, economic development, increased employment and educational opportunities; and

WHEREAS, Pennsylvania's housing stock is fundamentally sound and provides the Commonwealth with an excellent resource; and

WHEREAS, By lowering the interest rates on loans, mortgage revenue bonds enhance the affordability of Pennsylvania's houses for Commonwealth citizens; and

WHEREAS, Several local governments and the Pennsylvania Housing Finance Agency have used mortgage revenue bonds to offer the blessings of home ownership and improvement to more than 50,000 Commonwealth families; and

WHEREAS, Pennsylvania families who use mortgage revenue bonds to purchase or improve homes have modest incomes; and

WHEREAS, Loans financed with the proceeds of mortgage revenue bonds have been made in every county of Pennsylvania; and

WHEREAS, The rate of home ownership in America is declining, and actions must be taken to encourage, not discourage, the purchase of homes by young Americans; and

WHEREAS, Mortgage revenue bonds are one of the few financial tools available to state and local governments for encouraging home purchase opportunities; and

WHEREAS, The Federal authority to issue mortgage revenue bonds expires on December 31, 1988; and

WHEREAS, Senate Bill 1522 and House Bill 2640 would extend mortgage revenue bonds through 1992; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to support and enact Senate Bill 1522 and House Bill 2640 to provide for the enhancement of the benefits of home ownership to more Americans through the extension of mortgage revenue bonds through December 31, 1992; 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 PASS LEGISLATION  
WHICH WOULD BAN INTERSTATE ADULT  
MESSAGE SERVICES**

Senators BELL and SHUMAKER offered the following resolution (**Senate Concurrent Resolution No. 164**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, March 17, 1988.

**A CONCURRENT RESOLUTION**

Memorializing the Congress of the United States to pass legislation which would ban interstate adult message services.

WHEREAS, Many telephone companies offer information access numbers, often referred to as "dial it" or "976 service," some of which provide adult message services; and

WHEREAS, The adult message services are calls that implicitly or explicitly describe, simulate, excite, arouse or otherwise refer to sexual conduct or which contain sexual innuendo which arouses or attempts to arouse sexual desire; and

WHEREAS, The Federal Government has preempted the regulation of interstate telephone lines, thereby precluding states from protecting the welfare of children, which would be benefited by preventing them from having access to adult message services; and

WHEREAS, Many of the adult message services advertise through the mail, which is subject to Federal jurisdiction; and

WHEREAS, The guarantee of free speech provided the people of this nation under the first amendment to the United States Constitution should not be abridged lightly; it must be balanced against the ability to protect the right to privacy and the right of the American family to protect our young children, which is severely tested by the unwanted and ungovernable intrusion of pornography through the telecommunications system and the mail; and

WHEREAS, In light of the ubiquitous and uncontrollable nature of telecommunications opportunities and of the mail and the ability of children to avail themselves of these opportunities, without having the commensurate experience judgment to avoid those which may be harmful, legislation should be enacted; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania request the Congress and the President of the United States to adopt legislation which would ban interstate adult message services and the advertising thereof; and be it further

RESOLVED, That copies of this resolution be sent to the President and Vice President of the United States, the members of Congress from Pennsylvania, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C. with the request that this action by the General Assembly of the Commonwealth of Pennsylvania be promptly published in the Congressional record.

**AMENDING THE RULES OF THE SENATE  
RELATING TO TELEVISION AND RADIO  
COVERAGE OF SENATE PROCEEDINGS**

Senators ANDREZESKI, LEWIS, FUMO and O'PAKE offered the following resolution (**Senate Resolution No. 165**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 17, 1988.

**A RESOLUTION**

Amending the Rules of the Senate relating to television and radio coverage of Senate proceedings.

WHEREAS, The Senate of Pennsylvania finds and declares that the success of democratic government rests upon an informed electorate; and

WHEREAS, A majority of the citizens of this Commonwealth depend on broadcast media as a major source of information; and

WHEREAS, The television and radio broadcasting of the proceedings of the Senate will give the citizens of this Commonwealth maximum direct public access to such proceedings and thereby assist them in achieving a better understanding of the public issues and of the practices and procedures of the Senate as a representative and legislative body; and

WHEREAS, It is the purpose of this resolution to provide a means, in conformity with acceptable standards of dignity, propriety and decorum, by which the proceedings of the Senate may be covered by television and radio broadcasts; and

WHEREAS, These broadcasts be made for the information, education and enlightenment of the general public on the basis of providing accurate and impartial news coverage concerning the operations, practices and procedures of the Senate as a representative and legislative body; and

WHEREAS, These broadcasts will provide for the development of a perspective of understanding by the general public concerning the role and function of the Senate under the Constitution of Pennsylvania; and

WHEREAS, It is the intent of this resolution that the general conduct of the proceedings covered and personal behavior of the members of the Senate and of the television and radio personnel involved shall be in strict conformity with and in observance of acceptable standards of dignity, propriety, courtesy and decorum that is traditionally associated with and observed by the Senate; and

WHEREAS, The television and radio broadcasting of the sessions of the Senate shall in no way distort the objects and purposes of the proceedings or activities of the members of the Senate involved in said proceedings, or in connection with the general work of the Senate; and

WHEREAS, Television and radio coverage of the proceedings of the Senate shall in no way cast discredit or dishonor on the members of the Senate, or bring the Senate or any members thereof into disrepute; and

WHEREAS, The television and radio coverage of the Senate is a privilege granted by the Senate and shall be permitted and conducted only in strict conformity with the purposes, provisions and requirements of this resolution; therefore be it

RESOLVED, That the Rules of the Senate be amended by adding a rule to read:

**RULE XL  
TELEVISION AND RADIO  
COVERAGE OF SESSIONS  
OF THE SENATE  
Coverage in General**

1. Television and radio coverage of the proceedings in the Chamber of the Senate of Pennsylvania shall be authorized on a continuing basis, from gavel to gavel, except for caucuses and off the floor committee meetings.

Televised gavel to gavel coverage shall commence with a test period to last at least six months dating from the adoption of this rule. During this test period, no television or radio broadcast signal will be sent outside the capitol building for public or private use.

Type of Coverage

2. Coverage shall provide a complete, unedited record of what is said on the floor of the Senate, and is intended to be an informative documentary, and not a staged performance, and is to be free from editorial analysis.

Only the presiding officer and the persons actually speaking shall be covered by the cameras during the proceedings and debate. Cameras shall not pan the entire Senate Chamber.

During roll call votes, and other votes, the cameras will be focused on the presiding officer and the appropriate clerks.

During recesses of the Senate, cameras shall be turned off.

The name of the Senator who is speaking shall be superimposed on the bottom of the screen.

Still photographs of the proceedings are prohibited.

The Committee on Rules may decide other minor issues which may develop.

Administration and Procurement

3. A lighting and camera consultant shall be hired by the Chief Clerk of the Senate to assist in the implementation of broadcast equipment.

The Office of the Chief Clerk shall be responsible for the installation of equipment and for the operation of the television broadcast, including the hiring of the necessary technical personnel.

All equipment shall be owned and operated by the Senate so that the Senate can more effectively supervise the broadcasts and prevent disruption of the normal proceedings.

Access

4. The continuous broadcast of the Senate shall be provided free of charge to any licensed radio or television station; the Rules Committee may, however, authorize other entities, such as government agencies and universities, to receive broadcasts.

Further Provisions

5. The State Museum and Archives shall store the historical copies which may be reviewed free of charge at the Museum. Copies may be made for the cost of the copy.

No coverage shall be used or made available for use as partisan political campaign material to promote or oppose the candidacy of any person for elective office, whether in paid political broadcasts or otherwise; and use of the coverage so provided shall be subject to all State and Federal laws relating to elections and campaign practices.

No part of such coverage or any recording thereof shall be used in any commercial advertisement.

Any live coverage shall be without and presented without any commercial sponsorship, except when it is part of a bona fide news program or public affairs documentary.

Nothing in any contract entered into by the Office of the Chief Clerk regarding installations of equipment shall permit any control over microphones in the Senate Chamber to be exercised by anyone but the appropriate Senate officers and employees.

Any television or radio network or station may or may not, at its discretion, broadcast any or all such coverage, either live or through the use of edited portions, in news broadcasts and other appropriate programs.

Offices of Senators and their staff are to be furnished with monitors to view the live proceedings.

Funding

6. This program shall be funded through the normal appropriation procedures.

**DESIGNATING THE WEEK OF MAY 14  
THROUGH 21, 1988, AS "COMMUNITY  
GENERAL OSTEOPATHIC HOSPITAL WEEK"**

Senators SHUMAKER, HOPPER, BRIGHTBILL, MOORE and HESS offered the following resolution (Senate

**Resolution No. 166**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 17, 1988.

A RESOLUTION

Designating the week of May 14 through 21, 1988, as "Community General Osteopathic Hospital Week."

WHEREAS, The Community General Osteopathic Hospital, located near Harrisburg, Dauphin County, Pennsylvania, has recently completed a \$20,000,000 renovation and modernization project; and

WHEREAS, The hospital has given superior medical service to the local community for over 37 years and continues to be a leader of medical excellence in Dauphin County and throughout Pennsylvania; and

WHEREAS, The slogan that is used to emphasize the hospital's knowledge of what is of utmost importance to health care consumers is "Our face may have changed, but not our heart"; and

WHEREAS, Various activities are planned for the week, including a five-kilometer run, free health screenings, and tours and gifts, all exemplifying the importance of preventive medicine; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate the week of May 14 through 21, 1988, as "Community General Osteopathic Hospital Week."

**GENERAL COMMUNICATIONS**

**DEPARTMENT OF EDUCATION  
1987 CUSTOMIZED JOB TRAINING PROGRAM**

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
333 Market Street  
Harrisburg, PA 17126-0333

March 16, 1988

The Honorable John J. Zubeck  
Chief Clerk  
House of Representatives  
Main Capitol Building  
Harrisburg, Pennsylvania

The Honorable Mark R. Corrigan  
Secretary  
The State Senate  
Main Capitol Building  
Harrisburg, Pennsylvania

Dear Messrs. Zubeck and Corrigan:

Secretary Gilhool has asked me to transmit to you the attached report on customized job training programs operated under the authority of Act 116 of 1985 during 1987. The report is submitted pursuant to the provisions of Act 116.

If you need additional information, please call me at 7-7575.

Sincerely,

ROBERT E. FEIR  
Director of Policy and  
Government Relations

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

**JOB TRAINING PARTNERSHIP ACT PLANS**

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

**PRIVATE INDUSTRY COUNCIL OF  
FRANKLIN AND ADAMS COUNTIES, INC.  
FRANKLIN ADAMS EMPLOYMENT  
TRAINING CONSORTIUM  
181 Franklin Farm Lane  
Chambersburg, PA 17201  
Room 301, Courthouse  
Gettysburg, PA 17325**

March 1, 1988

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

Please be advised that the Proposed JTPA Master Plan for the Franklin-Adams SDA covering the period 7-1-88 to 6-30-89 is available for your review.

If you would like to review the complete plan or a summary therefore, you can call me at (717) 263-9413 to request a copy of either.

Sincerely,  
E. DAVID BUMBAUGH  
Executive Director

**NORTHWEST PENNSYLVANIA TRAINING  
PARTNERSHIP CONSORTIUM, INC.  
P.O. Box No. 1  
Highway 322 East  
Franklin, PA 16323**

March 1, 1988

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear President Jubelirer:

This letter is to notify you that this Job Training Partnership Act Service Delivery Area (SDA 02) is submitting a new two-year Master Plan to the Pennsylvania Department of Labor and Industry by March 25, 1988.

This two-year Master Plan will, for the period from July 1, 1988 through June 30, 1990, enable NPTPC to continue to assist local economically disadvantaged residents to achieve economic self-sufficiency. The Master Plan describes administrative and JTPA programmatic procedures and priorities.

These plans are available for public review on weekdays from 8:00 a.m. to 4:30 p.m. at NPTPC's headquarters, Highway 322 East, Franklin, PA 16323. Questions and comments may be directed to Planning Director, (814) 437-3000 at the above address.

If you so request, complete copies of the Master Plan will be provided.

Sincerely,  
DAVID R. PEARSON  
Executive Director

**WASHINGTON GREENE COUNTY  
JOB TRAINING AGENCY  
Room 302  
Court House Square  
Washington, Pennsylvania 15301**

March 3, 1988

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

The Washington Greene County Job Training Agency acting as the administrative entity and grant recipient for funds under the Job Training Partnership Act in the counties of Washington and Greene has prepared and made available for review the Annual Contracts and the Master Plan required under the Act. WGCJTA is prepared to provide a complete copy of the Annual Contract and Master Plan should the Senate of the Commonwealth of Pennsylvania request a copy.

Provided you have any questions concerning this matter, please feel free to contact me at (412) 228-6870.

Sincerely,  
DAVID P. SUSKI  
Director

**LANCASTER COUNTY EMPLOYMENT  
AND TRAINING AGENCY  
34 South Duke Street  
P.O. Box 3480  
Lancaster, Pennsylvania 17603-1881**

March 3, 1988

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. President:

The County of Lancaster on behalf of the Lancaster Employment and Training Agency (LETA), the administrative entity and grant recipient for Job Training Partnership Act (JTPA) funds for Lancaster County has submitted the JTPA Master Plan for the period July 1, 1988 to June 30, 1990. This Master Plan outlines the administrative systems and program goals of all local JTPA programs.

A copy of this plan is available from LETA, 128 East Grant Street, Lancaster, Pennsylvania 17603.

Sincerely,  
J. THOMAS MYERS  
Executive Director

**MONROE COUNTY  
JOB TRAINING PARTNERSHIP ACT  
Monroe County Courthouse  
Stroudsburg, PA 18360**

March 8, 1988

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Sir:

Enclosed please find a copy of the public notice for the submission of the Pocono Counties SDA 15 Master Plan for Program Years 1988 and 1989.

If we can provide any additional information please feel free to contact our office at your convenience.

Sincerely,

JOHN A. CASELLA  
SDA Planner

MID-STATE EMPLOYMENT  
AND TRAINING CONSORTIUM  
Willowbank Building  
Bellefonte, PA 16823

March 8, 1988

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17102

Dear Senator Jubelirer:

This is to inform you and the Pennsylvania Senate of the availability of the Mid-State Employment and Training Consortium Master Plan for fiscal years 1989-90 and the Annual Contract for Job Training Partnership Act Title II-A Adult and Youth Programs and Older Worker Programs for the period from July 1, 1988 to June 30, 1989. MSETC will furnish a complete copy of the Master Plan and Annual Contract upon request.

Very truly yours,

SYLVIA LEE  
Executive Director

THE SCRANTON-LACKAWANNA  
HUMAN DEVELOPMENT AGENCY, INC.  
200 Adams Avenue  
Scranton, Pennsylvania 18503

March 16, 1988

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

Please be advised that the Lackawanna County Service Delivery Area has submitted its Program Year 1988 Job Training Partnership Act (JTPA) Master Plan to the Pennsylvania Department of Labor and Industry. This contract is available for your review upon request.

Should you require a copy of this document, please feel free to contact me at your convenience.

Sincerely,

FRED F. LETTIERI  
Executive Director

The PRESIDENT. The communications will be filed in the Library.

### BILLS SIGNED

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

**HB 179, 429, 783, 931, 1099, 1342, 1347 and 1682.**

### LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator PECORA 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.

### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request legislative leaves for the day for Senator Ross and Senator Williams and a temporary Capitol leave for Senator Zemprelli.

The PRESIDENT. Senator Lincoln requests legislative leaves for Senator Ross and Senator Williams and a temporary Capitol leave for Senator Zemprelli. The Chair hears no objection to the leave requests. The leaves will be granted.

### DISCHARGE PETITIONS

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Frances Selvage as a member of the Clearfield 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 Frances Selvage, Clearfield, Pennsylvania, as a member of the Clearfield County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of R. Dennis Hetrick, Ph.D. as a member of the Board of Trustees of Warren State Hospital.

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 R. Dennis Hetrick, Ph.D., Clarion, Pennsylvania, as a member of the Board of Trustees of Warren State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Martin J. Barrett, Jr. as Treasurer of Tioga County.

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 Martin J. Barrett, Jr., Mansfield, Pennsylvania, as Treasurer of Tioga County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of George J. Field III as a member of the Board of Trustees of Philipsburg State General Hospital.

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 George J. Field III, Port Matilda, Pennsylvania, as a member of the Board of Trustees of Philipsburg State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Rita Spicer as a member of the State Board of Cosmetology.

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 Rita Spicer, Philadelphia, Pennsylvania, as a member of the State Board of Cosmetology, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Elizabeth A. Wargo as a member of the Board of Trustees of Coaldale State General Hospital.

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 Elizabeth A. Wargo, Coaldale, Pennsylvania, as a member of the Board of Trustees of Coaldale State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Michael J. Serina as a member of the Board of Trustees of Coaldale State General Hospital.

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 Michael J. Serina, Lansford, Pennsylvania, as a member of the Board of Trustees of Coaldale State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Bernard Ryan as a member of the Board of Trustees of Coaldale State General Hospital.



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 Bernard Ryan, Tamaqua, Pennsylvania, as a member of the Board of Trustees of Coaldale State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Robert J. Johnson as a member of the Board of Trustees of Coaldale State General Hospital.

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 Robert J. Johnson, Coaldale, Pennsylvania, as a member of the Board of Trustees of Coaldale State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of John Fada as a member of the Board of Trustees of Coaldale State General Hospital.

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 John Fada, Summit Hill, Pennsylvania, as a member of the Board of Trustees of Coaldale State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Robert D. Evans as a member of the Board of Trustees of Coaldale State General Hospital.

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 Robert D. Evans, Tamaqua, Pennsylvania, as a member of the Board of Trustees of Coaldale State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of Richard Sciorillo 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 Richard Sciorillo, Philadelphia, 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:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

In the Senate, March 21, 1988.

#### A PETITION

To place before the Senate the nomination of William T. Krahe 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 T. Krahe, Pittsburgh, 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:

David J. Brightbill  
John Stauffer  
Robert C. Jubelirer  
F. Joseph Loeper  
William J. Moore

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

**SENATE CONCURRENT RESOLUTION**

**RECESS ADJOURNMENT**

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

In the Senate, March 21, 1988.

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Tuesday, April 5, 1988, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when Regular Session of the House of Representatives adjourns this week it reconvene on Tuesday, April 5, 1988, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,  
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

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

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

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

**YEAS—46**

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

**GUESTS OF SENATOR TIM SHAFFER PRESENTED TO SENATE**

Senator SHAFFER. Mr. President, we have with us today in the Senate gallery a guest from Canada. His name is Dale Botting and he is the Executive Director for the Provincial Affairs for the Canadian Federation of Independent Business. That organization represents small independent businesses, and it is somewhat analogous to our own National Federation of Independent Business. Mr. Botting is here today with Jim Buente, who is the Director of Pennsylvanians For Independent Business.

The PRESIDENT. The Chair would direct the Members of the Senate to the gentlemen standing in the back and welcome our Canadian visitor to the Pennsylvania State Senate.  
(Applause.)

**GUESTS OF SENATOR JAMES J. RHOADES PRESENTED TO SENATE**

Senator RHOADES. Mr. President, we have with us today in the gallery forty students from the fourth grade and eighth grade Pennsylvania history classes from St. Clair Catholic School. They are with their chaperones, Louis DeMarkis, Jr. and Barbara Yanek. I would appreciate if the Senate would show their usual warm, courteous reception.

The PRESIDENT. Would the guests of Senator Rhoades and the students please rise so we can give you our warm, usual Senate greeting.  
(Applause.)

**GUESTS OF SENATOR JOHN W. REGOLI PRESENTED TO SENATE**

Senator REGOLI. Mr. President, I, too, have visitors here today who are neighbors of mine. They are Ernie and Sharon Carpenter and their son Matt, who is a student at Shady Side Academy, and he is a valued partner of mine in my trivial pursuit efforts. I wish we would extend that warm welcome to them, also.

The PRESIDENT. Would the guests of Senator Regoli please rise so we can extend our warm welcome to you, as well.  
(Applause.)

**RECESS**

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Majority caucus room on the first floor, with the anticipation of returning to the floor, hopefully, about quarter to four.

Senator LINCOLN. Mr. President, I also would request that the Members of the Democratic caucus proceed immediately to the caucus room at the rear of the Chamber. For the benefit of the Members, we will be addressing House Bill No. 668, the abortion bill, and whatever else is in that bill. We will be discussing that in caucus so I would ask you to please come to caucus immediately.

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

**AFTER RECESS**

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

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

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request temporary Capitol leave on behalf of Senator Madigan.

The PRESIDENT pro tempore. Senator Loeper has requested temporary Capitol leave for Senator Madigan. The Chair hears no objection. The leave is granted.

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

The PRESIDENT pro tempore. Senator Stapleton requests temporary Capitol leave for Senator Lincoln. The Chair hears no objection. That leave is granted.

### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 1

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

#### SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

**HB 668 (Pr. No. 2983)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the rights of a District Attorney in litigation involving prisoners; further providing for offenses relating to alcohol; providing for drug trafficking to minors; further providing for scattering rubbish; regulating matters relating to the performance and funding of abortions, the protection of women who undergo abortion, and the protection of children subject to abortion; revising the penalties for false reports to law enforcement authorities; making an editorial change; and making repeals.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 668.

On the question,

Will the Senate agree to the motion?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Williams and his legislative leave will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

Senator FISHER. Mr. President, House Bill No. 668 is a bill that has been on a long voyage through this General Assembly. It has so many provisions in it that everybody could be either for or against this bill, and I am certain they could find something they could justify their position on that would be supported by a broad cross section of their constituency. Myself, I support the major provisions of this bill and certainly am anxious to see that the amendments to the Abor-

tion Control Act are passed by this Senate and are signed into law by the Governor.

I rise today also to urge concurrence in the House action, not because of what the House did in taking out the amendment they took out, but because I recognize that the other portions of this bill are so important to certain parts of our constituency across the state and, certainly, to those who have sought changes in the Abortion Control Act. But, in urging concurrence in the House amendments, I cannot let this opportunity go by without indicating how displeased I am that the House took the action they took to remove the amendment that was inserted by the Senate that had been sponsored by myself and the gentleman from Berks, Senator O'Pake, to put into place in Pennsylvania the earned time provision that a number of us have been fighting for for the past few years. Earned time is not a concept that has first been discussed in House Bill No. 668. This is the third time the Senate of Pennsylvania has passed nearly unanimously within the last two Sessions an earned time provision. Likewise, the Commission on Crime and Delinquency in 1984 and 1985 convened a prison and jail overcrowding task force that was first chaired by the Honorable Anthony J. Sirica, who is now a member of the Third Circuit Court of Appeals, and was finally chaired at its completion by myself. There were other members of that task force. It was a broad based group of criminal justice professionals who met on numerous occasions. The steering committee was composed of Members of the General Assembly, including the gentleman from Berks, Senator O'Pake, and Representative Dave Sweet, a representative from the District Attorneys Association, District Attorney Rich Lewis from Dauphin County and others. It was the unanimous recommendation of all those who were on the steering committee and all those criminal justice professionals who looked at this that one very effective way to relieve overcrowding in our state institutions was through the enactment of an earned time provision. That is what the amendment which was taken out by the House would have done.

Members of the Senate, ladies and gentlemen, the condition of our state correctional institutions has not gotten any better since 1985. It has only become worse, and it is going to continue to become worse as we continue to enact mandatory sentencing laws, which I also support, but mandatory sentencing laws that do not take into effect that we have no way to alleviate the serious problem of overcrowding. We have committed certain capital funds to the construction of new jails, but even with that it is estimated that our jails will continue to be almost 35 percent overcrowded in this state. If we want to responsibly enact tough laws in this Commonwealth, which most of us in this Chamber, if not all of us, support, then I believe we have to continue to recognize that you cannot have tough laws that continue to lock up people in Pennsylvania without places for them to be locked up in. The earned time provision, I believe, is a sound provision. It is one that will allow those who have served their sentences and have served them well to be given an opportunity to be released early, while, at the same time, providing space for those hardened criminals who are out on the streets.

This Senate has faced up to its responsibilities, in my opinion, in dealing with the earned time issue on three occasions. Unfortunately, the House of Representatives has failed to go along. I can read the handwriting on the wall and recognize that the bill before us is far too important to continue this debate over this bill, but I fervently hope we will be able to enact and I stand willing to continue to work with our colleagues in the House, with the Governor's Office and with our colleagues in the Senate on both sides of the aisle to structure an earned time bill that is sensible, that is workable and is one that will directly attack the problem of overcrowding in our state correctional institutions. I can say to you, if we do not directly attack this problem and do not directly attack this problem with this kind of measure and with others, that I know one institution, which we always shudder to have involved in our affairs, who probably will attack it, and that is the federal courts. I think if it gets to the day that the federal courts have to step in and solve the problem for us, that all of us have abrogated our responsibility. We will have done nothing to have a streamlined criminal justice system that works, and we will have done nothing, certainly, to relieve prison and jail overcrowding.

Mr. President, I thank you for the opportunity to make these remarks on the record. I, too, along with the gentleman from Delaware, Senator Loeper, urge a concurrence in the action that was taken by the House, but only for the reason of getting this bill to the Governor for his signature and support.

Senator AFFLERBACH. Mr. President, when House Bill No. 668 left this Chamber, it was a mongrel of a bill made up of various and sundry portions that were not interrelated in the least degree. The House of Representatives saw fit to remove from the bill one of the, at least, benign if not benevolent, in some people's opinions, provisions which has turned the bill into a snarling mongrel that will snap at the heels of every poor woman in Pennsylvania. I am voting for nonconcurrence.

Senator BELL. Mr. President, I will be very brief. You know it is a sad state of affairs when we have to turn criminals loose to go out and prey on the citizens on the highways and in their homes because we do not have enough jails. I can see the next sequence: Why send them to jail, there is no room to put them. It is time to get some of these drug dealers off the roads.

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Fumo who has been detained in his office.

The PRESIDENT pro tempore. Senator Mellow has requested temporary Capitol leave for Senator Fumo. The Chair sees no objection. The leave will be granted.

Senator LOEPER. Mr. President, Senator Hopper has been called from the floor and I would ask for a temporary Capitol leave on his behalf.

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

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Zemprelli. His leave will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

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

#### YEAS—33

Andrezeski	Kelley	O'Pake	Scanlon
Armstrong	Lemmond	Peterson	Shaffer
Bell	Lincoln	Regoli	Shumaker
Bodack	Loeper	Rhoades	Stapleton
Fisher	Lynch	Rocks	Stewart
Greenleaf	Madigan	Romanelli	Stout
Helfrick	Mellow	Ross	Wenger
Hess	Musto	Salvatore	Zemprelli
Holl			

#### NAYS—14

Afflerbach	Greenwood	Lewis	Tilghman
Brightbill	Hopper	Moore	Williams
Corman	Jones	Reibman	Wilt
Fumo	Jubelirer		

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

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

#### CALENDAR

##### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

##### BILL OVER IN ORDER

**HB 199** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### BILL OVER IN ORDER

**SB 646** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR

##### BILLS ON THIRD CONSIDERATION AMENDED

**SB 49 (Pr. No. 54)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the penalty for driving under the influence of alcohol or a controlled substance.

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 No. A1086:

Amend Sec. 1 (Sec. 3731), page 1, line 12, by inserting after "(e)": (1)(i)

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

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
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.

SB 535 (Pr. No. 1758) — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," revising, amending, adding and changing provisions; and making editorial changes.

Considered the third time,  
On the question,  
Will the Senate agree to the bill on third consideration?

CORMAN AMENDMENT

Senator CORMAN, by unanimous consent, offered the following amendment No. A1145:

Amend Sec. 34 (Sec. 503), page 39, line 2, by inserting after "development."

Review fees may include reasonable and necessary charges by the municipality's professional consultants or engineer for review and report thereon to the municipality. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the municipal engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.

(i) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten days of the billing date, notify the municipality that such fees are disputed, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

(ii) In the event that the municipality and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in section 510(g).

Amend Sec. 34.1 (Sec. 503.1), page 43, line 3, by removing the comma after "THAT"

Amend Sec. 34.1 (Sec. 503.1), page 43, line 6, by inserting after "EVIDENCE": to the governing body or planning agency, as the case may be,

Amend Sec. 34.1 (Sec. 503.1), page 43, line 8, by inserting after "UTILITY": , a bona fide cooperative association of lot owners,

Amend Sec. 34.1 (Sec. 503.1), page 43, line 9, by striking out "SUCH EVIDENCE SHALL BE IN THE FORM OF A" and inserting: A

Amend Sec. 34.1 (Sec. 503.1), page 43, line 11, by striking out "OF A WRITTEN" and inserting: an application for such certificate, a cooperative agreement or a commitment or

Amend Sec. 34.1 (Sec. 503.1), page 43, line 12, by inserting after "APPROPRIATE": , shall be acceptable evidence

Amend Sec. 39 (Sec. 510), page 59, lines 26 through 30, by striking out all of said lines and inserting:

(g) The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall within ten working days of the date of billing, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

(2) If within 20 days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

Amend Sec. 48 (Sec. 603), page 68, lines 22 through 30; page 69, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 50 (Sec. 604), page 70, line 24, by striking out " , BUT NOT LIMITED TO:"

Amend Sec. 50 (Sec. 604), page 70, line 30, by inserting a period after "TYPE"

Amend Sec. 50 (Sec. 604), page 70, line 30; page 71, line 1, by striking out “, SO LONG AS” in line 30, page 70 and all of line 1, page 71

Amend Sec. 71 (Sec. 705), page 97, line 14, by removing the comma after “THAT”

Amend Sec. 71 (Sec. 705), page 97, line 17, by inserting after “EVIDENCE”: to the governing body or planning agency, as the case may be,

Amend Sec. 71 (Sec. 705), page 97, line 19, by inserting after “UTILITY”: , a bona fide cooperative association of lot owners,

Amend Sec. 71 (Sec. 705), page 97, line 20, by striking out “SUCH EVIDENCE SHALL BE IN THE FORM OF A” and inserting: A

Amend Sec. 71 (Sec. 705), page 97, line 22, by striking out “OF A WRITTEN” and inserting: an application for such certificate, a cooperative agreement, or a commitment or

Amend Sec. 71 (Sec. 705), page 97, line 23, by inserting after “APPROPRIATE”: , shall be acceptable evidence

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

#### GREENWOOD AMENDMENT I

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A1165:

Amend Sec. 50 (Sec. 604), page 70, lines 24 through 28, by striking out “INCLUDING, BUT NOT LIMITED TO: SINGLE FAMILY DETACHED,” in line 24, all of lines 25 through 27, and “MOBILE HOMES AND MOBILE HOME PARKS,” in line 28

Amend Sec. 50 (Sec. 604), page 70, line 30, by striking out “OTHER”

Amend Sec. 50 (Sec. 604), page 70, line 30, by striking out the comma after “TYPE” and inserting a period

Amend Sec. 50 (Sec. 604), page 70, line 30; page 71, line 1, by striking out “SO LONG AS THE ORDINANCE PROVIDES FOR THE ABOVE ENUMERATED TYPES.”

On the question,

Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Lincoln. His leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator GREENWOOD. Mr. President, this is a local government amendment. This is an amendment that allows our municipalities to choose the dwelling types and to plan for the kind of residential construction best suited to their neighborhoods. Senate Bill No. 535 as it stands before us would require each and every municipality in Pennsylvania to, within their zoning ordinance, include provisions for single-family detached homes, single-family semidetached homes, two-family detached homes, townhouses, other forms of single-family dwellings in various arrangements, multi-family

dwellings in various arrangements, mobile homes and mobile home parks. I know in Bucks County I have municipalities that can and want to provide for all kinds of housing types, that want to make sure that people of various income levels can live in our communities, but they do not want to have their hands tied the way this legislation would tie their hands in setting forth a specific list of housing types that they must include.

What my amendment does is simply eliminate from this bill that list of dwelling types and indicates that no municipal zoning ordinance would be found to be invalid simply because it failed to provide for a specific dwelling type. My amendment is consistent with every Pennsylvania Supreme Court case that has been a landmark in this area. It assures access to communities by people of all economic strata, but it allows our municipal officials to plan for the kind of multi-family housing that best suits their communities' needs. I would ask for the support of the Senate.

Senator LINCOLN. Mr. President, I rise to oppose the amendment. This amendment, if adopted, would exclude language that is necessary under federal case law regarding exclusionary zoning ordinances. The federal courts have stated quite clearly that no municipality can exclude or discriminate against any form of housing. To delete this language from the bill would invite municipalities to create exclusionary zoning ordinances, and much unnecessary litigation will result from this action. Please remember that the Municipalities Planning Code is designed to give direction to all municipalities in Pennsylvania, and this amendment removes a vital signpost. I would ask for a “no” vote on this amendment.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Hopper as well as Senator Moore have been called back to their offices and I would request temporary Capitol leaves on their behalf.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Hopper and Senator Moore. The Chair hears no objection. The leaves will be granted.

Senator LOEPER. Mr. President, Senator Helfrick has also been called to his office and I would request a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper would also request a temporary Capitol leave for Senator Helfrick. The Chair again hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, very briefly, on this particular amendment, I would like to make mention that this is not an east vs. west amendment. Some of the amendments we are going to consider on this bill have a greater impact, I believe, on the eastern half of Pennsylvania than on the western half, and vice versa. I do not see this as one of those amendments. Clearly, this is an amendment that could result in exclusionary zoning with all of the various discriminations that occurred with exclusionary zoning in the past.

You could, for example, have a township outlaw high-rise senior citizen complexes as well as mobile home courts, which was truly what was done in the past. I would join with the gentleman from Fayette, Senator Lincoln, in urging a "no" vote on this amendment.

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

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

YEAS—12

Armstrong	Hess	Loeper	Shaffer
Greenleaf	Holl	Rhoades	Tilghman
Greenwood	Jubelirer	Rocks	Wilt

NAYS—35

Afflerbach	Hopper	Moore	Scanlon
Andrezeski	Jones	Musto	Shumaker
Bell	Kelley	O'Pake	Stapleton
Bodack	Lemmond	Peterson	Stewart
Brightbill	Lewis	Regoli	Stout
Corman	Lincoln	Reibman	Wenger
Fisher	Lynch	Romanelli	Williams
Fumo	Madigan	Ross	Zemprelli
Helfrick	Mellow	Salvatore	

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

LEGISLATIVE LEAVE

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

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leave for Senator Williams. The Chair hears no objection. The leave is granted.

And the question recurring,

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

REIBMAN AMENDMENT

Senator REIBMAN, by unanimous consent, offered the following amendment No. A1211:

Amend Sec. 7 (Sec. 107), page 12, by inserting between lines 11 and 12: "Water survey," an inventory of the source, quantity, yield and use of groundwater and surfacewater resources within a municipality.

Amend Sec. 13 (Sec. 209.1), page 18, by inserting between lines 15 and 16:

(7.1) Prepare and present to the governing body of the municipality a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.

Amend Sec. 17 (Sec. 301), page 20, line 9, by inserting after "Plan.—": (a)

Amend Sec. 17 (Sec. 301), page 22, by inserting between lines 3 and 4:

(b) The comprehensive plan may include a plan for the reliable supply of water, considering current and future water resources availability, uses and limitations, including provisions adequate to protect water supply sources. Any such plan shall be consistent

with the State Water Plan and any applicable water resources plan adopted by a river basin commission.

Amend Sec. 34 (Sec. 503), page 42, by inserting between lines 29 and 30:

(10) Provisions and standards for insuring that new developments incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.

Amend Sec. 48 (Sec. 603), page 69, by inserting between lines 4 and 5:

(e) Zoning ordinances may include provisions regulating the siting, density and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources.

Amend Sec. 50 (Sec. 604), page 69, line 25, by inserting brackets before and after "water,"

Amend Sec. 50 (Sec. 604), page 69, line 26, by inserting after "grounds": , the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use.

On the question,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, in the last Session of the Legislature I introduced Senate Bill No. 479 with a large number of cosponsors. What the amendment does is to take that bill and, in the form of amendment, add it to Senate Bill No. 535. All the amendment does is to say what the powers and duties of a planning agency are. The bill is not mandatory; it is discretionary. It provides that the planning agency, at the request of a governing body, may prepare and present to the governing body of a municipality a water survey which should be consistent with the state water plan. The thrust of the amendment is, as I said, not mandatory, but it would permit the local governing authorities, if they wish, to require that the state planning agency make provision for sufficient, adequate clean water for all of the uses for which the buildings would go on. I ask support for this, because I know that everybody is concerned within communities that there is a sufficient supply of water that would be consistent with the state plan and that water sources be protected and that any plan would be consistent with the water plan. As I said, it is not mandatory. It also says that a municipality may in its zoning ordinance include provisions that would regulate the developments to assure that there is an availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources. I think the state has gone through a horrendous period of time where we have not had enough water to meet the needs of agriculture, commerce and consumers. This, at least, would permit the governing bodies, local municipalities, to have the planning commission, if they so wish, provide for plans to make sure there would be adequate water supplies. I urge the adoption of the amendment.

Senator RHOADES. Mr. President, I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT pro tempore. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?



Senator REIBMAN. I will, Mr. President.

Senator RHOADES. Mr. President, would this amendment in any way, shape or form affect the agricultural community, the farmers, in terms of their use of their water by limiting, restricting or controlling it? In other words, a bill many times would force them or control how they could use water on their land. Will this amendment have such an effect?

Senator REIBMAN. Mr. President, I believe the effect of this amendment would be to make sure there would be an adequate water supply for agricultural uses.

Senator RHOADES. Mr. President, would it control the use of water on a farm?

Senator REIBMAN. No. Mr. President. I think this is only for within a municipality to make sure there is sufficient water for use for domestic, agricultural and consumer use in the preparation of a plan for development. It will not affect whether the farmer could use water for his uses.

Senator RHOADES. Mr. President, then it would be my understanding of the amendment that the farmer will still be able to control the water on his land and use it at his will or discretion?

Senator REIBMAN. Mr. President, that is my understanding of the amendment in the bill.

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

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

YEAS—28

Afflerbach	Hess	Madigan	Ross
Andrezski	Holl	Mellow	Scanlon
Bodack	Jones	Musto	Stapleton
Brightbill	Kelley	O'Pake	Stewart
Fumo	Lewis	Reibman	Williams
Greenleaf	Lincoln	Rhoades	Wilt
Greenwood	Lynch	Romanelli	Zemprelli

NAYS—19

Armstrong	Hopper	Peterson	Shumaker
Bell	Jubelirer	Regoli	Stout
Corman	Lemmond	Rocks	Tilghman
Fisher	Loeper	Salvatore	Wenger
Helfrick	Moore	Shaffer	

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

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

GREENWOOD AMENDMENT II

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A1164:

Amend Sec. 102 (Sec. 1006-A), page 145, line 1, by inserting after "proceedings," including the adoption of alternative restrictions,

Amend Sec. 102 (Sec. 1006-A), page 145, line 1, inserting after "order.":

In issuing its order the court shall consider the follow-

(1) the locational suitability of the site for the uses proposed, including the general location of the site with regard to major roads, sewer facilities, water supplies, schools and other public service facilities or the comprehensive plan and zoning ordinance of the municipality and the county if they exist;

(2) the impact of the proposal on regional housing needs, the transportation network, and the other public services and facilities;

(3) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

(4) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(5) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

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

Senator GREENWOOD. Mr. President, this amendment goes to the provisions of the Municipalities Planning Code having to do with curative amendments. From time to time landowners may file in the Court of Common Pleas a curative amendment arguing that the municipality's zoning ordinance is invalid because it fails to provide for a specific use. There are times when the courts should and do rule that the landowner should be permitted to make use of that site in the way he chooses because his proposed amendment would, in fact, cure the municipal ordinance. In current law today in the Municipalities Planning Code, there is a provision that Senate Bill No. 535 would extract that I would return to the statute with this amendment. That amendment simply says that when a court is considering a curative amendment, it shall also consider the locational suitability and the impact of the specific proposal on the specific site.

Let me give you an example, if I may, from my district. The company files a curative amendment because a township did not provide for a quarrying district. This company owned a site and it wished to quarry it. Since the municipality did not provide for a quarrying district, it went to court and filed a curative amendment. It happens that the site the company owns is a toxic waste dump and, clearly, the impacts of quarrying that toxic waste dump needed to be considered by the court. Without this language that is in the present statute, the court cannot consider the specific impacts of that activity on that specific site or the suitability of that particular location for that use. All this amendment would do is have the court consider those specific requirements before adopting the curative amendment filed by the landowner. I would ask for its adoption.

Senator LINCOLN. Mr. President, I rise to oppose this amendment. I think it does create a new series of provisions in Section 1006 a judge must consider in deciding a case between a home builder and a municipality in a land use case appeal. I think there is no need for this type of addition to this bill. I think it would make it almost impossible for a home builder

to win an appeal in a court on a decision by the municipality, and when you start talking about east/west, this is the amendment that starts to bring it to light that there are some peculiar problems in the eastern part of this state. By trying to cure those, we are going to choke off completely the ability of those of us in the west who are looking for development rather than for ways of stifling it. I would ask that this amendment be defeated. If we have a particular problem to deal with in the eastern part of this state, there are those of us throughout Pennsylvania who would be very happy to attack that in a way that it is not restrictive to those of us in the west who have suffered from severe unemployment and a lack of building, and we need nothing else to further hinder whatever small amount of growth we may have. I would ask for a "no" vote on this amendment and would be happy to take the roll call on amendment A1165.

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Wenger has been called to his office and I request a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper has requested a temporary Capitol leave for Senator Wenger. The Chair sees no objections. The leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, hopefully, all here in this Chamber have listened carefully to the comments made by the gentleman from Bucks, Senator Greenwood, as he described the problems which he has encountered in his district. Since we are both from the same county, it would not take much imagination to understand that many of the similar kinds of problems are affecting my district. Yet, unfortunately, I think we come out to differing conclusions about how to deal with the problem. Let there be no mistake that there is clearly a problem and something which needs to be addressed. However, I think in the approach which the gentleman has chosen to take, the burden and the consequences that would be inflicted upon the legitimate planning process may be more cumbersome than the solution which he is trying to achieve. I have viewed similar kinds of problems, and I might relate one of my own. I had a municipality in which a curative amendment was filed to create a solid waste disposal area because none had been provided for in the planning by that municipality. It occurred to me, interestingly enough, that every municipality in this Commonwealth, and particularly those in counties such as Bucks and the other suburban counties in southeastern Pennsylvania, may well find a proliferation of similar curative amendment applications by people looking to create solid waste disposal sites. Clearly, the economics of that kind of use would seem to suggest that any possible mechanism for designating twenty-five acres or fifty acres in every given municipality could be to the incredible economic benefit of the landowner who tried to use that approach. From that experience I can tell you I have viewed a similar problem and viewed it with great alarm. I am not certain what the answer

is, but it seems to me that rather than going through the delimitation of the five or six use factors, as the gentleman is suggesting, possibly the approach ought to be a restriction of the availability of types as we have found as the curative amendment approach to that of all practical housing types rather than all practical land use types. I think if we were to use that kind of an approach, we might well solve the problem by eliminating the curative amendment process generally for non-housing types but retaining it in its current and, I think, relatively refined state—I say relatively refined because the courts have now been able to deal with the breadth of issues in the housing sector—and we might be able to retain it in its refined state without applying these cumbersome and unpredictable new requirements, yet achieve the result that the gentleman, I think, wants to achieve with regard to nonhousing uses. I offer that as an observation I have made in wrestling with the problems which I heard him describe similarly from his district, and further as an explanation as to why I feel compelled to vote against the amendment, notwithstanding a sympathy for the issue as the gentleman has defined it.

Senator GREENWOOD, Mr. President, very briefly, in response to the remarks of the gentleman from Fayette, Senator Lincoln, it appears to me that Senator Lincoln is not aware that the language I am offering is already existing law. I wanted to make that clear. I am not adding anything new to the statute, I am simply suggesting that we retain this valuable language.

The case that my colleague, the gentleman from Bucks, Senator Lewis, just made, I think in many ways makes my case. If you vote against this amendment, then you in your district could very well be confronted by a situation where, if your municipality does not provide a zone for a landfill, and I am sure most of your municipalities do not have a zone for a landfill, and a landowner goes to court and files a curative amendment and says to the Court of Common Pleas in your county, find this zoning ordinance invalid because it does not provide for a landfill, then that judge is not going to be able to determine whether or not that site is suitable for a landfill. That judge is simply going to be able to say "yes" or "no" to the curative amendment based on whether or not there is provision in the ordinance already for a landfill. Under my amendment, that judge could say—and I think ought to be able to say—you are right, the township did not provide for a landfill. However, the particular locational suitability of that site is not right for a landfill. The particular impacts on that municipality of that site being used for a landfill are unreasonable. For that reason, I think we should adopt this amendment to protect our communities from that kind of ramming down their throats of a use despite the inappropriateness of its location in that particular site. I would again ask for the adoption of this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—1

Greenwood

NAYS—46

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Madigan. His Capitol leave will be cancelled.

And the question recurring,

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

BRIGHTBILL AMENDMENT

Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A1021:

Amend Bill, page 61, by inserting between lines 26 and 27:

Section 42.1. The act is amended by adding a section to read:

Section 513.1. Approval not Required for Certain Subdivisions.—Notwithstanding the provisions of section 507 or any other provision of this act, when a deed is duly recorded in the office of the recorder of deeds which constitutes a part of a subdivision, if the municipality in which the land is located does not commence a legal action for violation of its subdivision ordinance within a three-year period after the date of recordation, no approval shall be required for the subdivision so made, nor shall the preparation or recording of a plat be required.

Amend Bill, page 153, line 28, by striking out all of said line and inserting:

Section 111. Section 513.1, added by this amendatory act, shall be retroactive to January 1, 1968.

Section 112. This act shall take effect as follows:

- (1) Section 513.1 of the act shall take effect immediately.
- (2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

Senator BRIGHTBILL. Mr. President, what this amendment provides is it establishes a statute of limitations within the Municipalities Planning Code where one does not now exist. What it provides is that when a deed is duly recorded in the Office of the Recorder of Deeds which constitutes a part of a subdivision, then if the municipality in which the land is located does not commence a legal action for violation of its subdivision ordinance within a three-year period after the date of recording, no approval shall be required for the subdivision so made. The need for this kind of a provision, I think, is

made particularly clear in rural areas where many, many deeds over the years have been recorded, and over the years what has happened is that, particularly in past years, the approval and, particularly, the recording of subdivisions was not as strictly done as it is today. Today what is happening is that as people get more and more concerned about the subdivision plans, they are beginning to have trouble getting financing and mortgages on these kinds of lots. All we are doing is providing a three-year statute of limitations so that once three years have gone by, there cannot be a challenge.

And the question recurring,

Will the Senate agree to the amendment?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentlelady will be so recorded.

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

YEAS—38

Afflerbach	Hopper	O'Pake	Shaffer
Andrezeski	Jones	Peterson	Shumaker
Armstrong	Kelley	Regoli	Stapleton
Bodack	Lincoln	Reibman	Stewart
Brightbill	Loeper	Rocks	Tilghman
Fisher	Lynch	Romanelli	Wenger
Fumo	Madigan	Ross	Williams
Greenleaf	Mellow	Salvatore	Wilt
Helfrick	Moore	Scanlon	Zemprelli
Hess	Musto		

NAYS—9

Bell	Holl	Lemmond	Rhoades
Corman	Jubelirer	Lewis	Stout
Greenwood			

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

The PRESIDENT pro tempore. Senate Bill No. 535 will go over in its order, as amended.

BILL OVER IN ORDER

**HB 854 (Pr. No. 2912)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, placing certain limitations on insurance premium increases; and further providing exemptions for the use of certain sun screening materials.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

## AMENDMENT OFFERED

Senator SALVATORE, by unanimous consent, offered the following amendment No. A1134:

Amend Title, page 1, line 2, by inserting after "Statutes,": further providing for determination of certain suspensions of operating privileges;

Amend Bill, page 1, by inserting between lines 6 and 7:

Section 1. Section 1539 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1539. Suspension of operating privilege on accumulation of points.

(a) General rule.—When any person's record shows an accumulation of 11 points or more, the department shall suspend the operating privilege of the person as provided in subsection (b).

(b) Duration of suspension.—The first suspension shall be for a period of 5 days for each point, the second suspension shall be for a period of 10 days for each point, the third suspension shall be for a period of 15 days for each point and any subsequent suspension shall be for a period of one year.

(c) Determination of subsequent suspensions.—Every suspension and revocation under any provision of this subchapter, except section 1533 (relating to suspension of operating privilege for failure to respond to citation), shall be counted in determining whether a suspension is a second, third or subsequent suspension. Acceptance of Accelerative Rehabilitative Disposition for an offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) shall be considered a suspension in making such determination.

(d) Section not exclusive.—Suspension under this section is in addition to any suspension mandated under section 1535 (relating to schedule of convictions and points).

Amend Sec. 1, page 1, line 7, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 7 and 8, by striking out "of the Pennsylvania Consolidated Statutes,"

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting: 3

Amend Sec. 3, page 5, line 1, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. With the indulgence of Senator Salvatore and Senator Lincoln, who wish to debate this bill, I would recognize Senator O'Pake who has guests in the gallery.

GUESTS OF SENATOR MICHAEL A.  
O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, many of us have been visited by farmers today, and I am sure they were very interested in the debate which just concluded. I would like to introduce in the gallery several members from the Berks County delegation of the Pennsylvania Farmers Association, and I would ask the Chair to extend its usual warm welcome to the following: Mr. and Mrs. Harold Burgert, Mr. and Mrs. Edward Hartman and Mr. LeRoy Howard.

The PRESIDENT pro tempore. Would Senator O'Pake's guests in the gallery please rise so the Senate may give you a warm welcome.

(Applause.)

The PRESIDENT pro tempore. The Chair again apologizes to Senator Salvatore and Senator Lincoln and recognizes the gentleman from Philadelphia, Senator Salvatore, on an amendment to House Bill No. 854.

And the question recurring,

Will the Senate agree to the amendment?

Senator SALVATORE. The intention of this amendment, Mr. President, is that many times in Philadelphia when a person fails to respond to a traffic violation, a moving violation, his license is automatically suspended. Subsequently, he goes into court and is found not guilty. He pays his restoration fees, but that suspension remains on his record. What this amendment does is have that suspension removed from his record because he was found not guilty in a court.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

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

Senator SALVATORE. I will, Mr. President.

Senator LINCOLN. Mr. President, in our caucus there was a little bit of concern because evidently the procedure followed in the Philadelphia Traffic Court is somewhat different from those in the other counties throughout the Commonwealth. Is there an automatic hearing process that is set?

Senator SALVATORE. Mr. President, the gentleman from Philadelphia, Senator Lynch, was on the floor. He is very much aware of what has been happening in Philadelphia, and he agrees with me that this is a much needed amendment. For a fellow to go in and try to get insurance and then he has this appear on his record that his license was suspended, it is not fair because he did have that chance to go into court and he was found not guilty, so his record should be expunged.

Senator LINCOLN. Mr. President, the only problem I have is that this amendment will apply to everyone in the Commonwealth of Pennsylvania. The system that is being described by the good Senator from Northeast Philadelphia is not one that I understand would apply to my district in that if you are stopped for a traffic violation by the Pennsylvania State Police, by a borough policeman or a third-class city policeman, or whatever it would be throughout Pennsylvania, you are issued a citation and you have the responsibility within a period of ten days to either pay the fine or to send in the fine and a \$5.00 or a \$10 cost to the magistrate requesting a hearing on that citation. From what I understand, what this amendment would do is that if you fail to respond to that citation in Philadelphia, there would then be a hearing date set, and if you failed to respond to that hearing date and you were found guilty, then your license would be revoked or suspended by the Department of Transportation here in Harrisburg. I am not so sure as to how this amendment would be applied to the other sixty-some counties in Pennsylvania. I have no problem, if I am interpreting the situation in Philadelphia properly, with trying to correct that as long as it does not allow a lot of people throughout Pennsylvania to ignore a citation and not get any points and not get any suspensions. I have not heard anything to tell me otherwise to this point.

Senator SALVATORE. Mr. President, I do not think that is the case. In Philadelphia, unlike the rest of the counties, if you get a traffic ticket for a moving violation and you fail to go to the hearing, automatically they send a notice to Harrisburg and you are automatically suspended. Subsequent to that, you go back into traffic court and say I failed to respond on such and such a date when I had my hearing date, but now I am here. They have one day a week set aside when you can go in and ask for a hearing. You go in and ask for a hearing and the judge finds you not guilty. Now the procedure is that you must ask for restoration of your license. You must send \$25 to Harrisburg and a certificate showing that you were found not guilty. Once that is done, Harrisburg restores your license, but Harrisburg does not wipe it off your record. It shows that you were suspended, so when the person applies for insurance, it shows up on his record that his license was suspended. All we are trying to do is say to the person who has been found not guilty, that should not be so.

Senator LINCOLN. Mr. President, it says in the amendment "...except section 1533 (relating to suspension of operating privilege for failure to respond to citation)...." What does Section 1533 of the Motor Vehicle Code say? Is it only applied to Philadelphia County or does Section 1533 of the Motor Vehicle Code apply to all sixty-seven counties in this Commonwealth? If so, are we correcting a problem in Philadelphia and causing incredibly grievous problems throughout the other counties? That is the only question I would like to have answered. I understand the situation in Philadelphia and I understand what the gentleman is trying to do, but I think if this amendment were applied to all counties throughout the Commonwealth, we could have chaos in the counties that do not have that type of a system.

AMENDMENT WITHDRAWN

Senator SALVATORE. Mr. President, I was just asking the Chairman of the Committee on Transportation if he has the Motor Vehicle Code book in front of him.

What I will do, Mr. President, for the sake of brevity, I will withdraw the amendment. I will offer it tomorrow, and I will ask the bill to be passed over. I will have Section 1533 here to explain it. It applies just to Philadelphia, but I will have that cleared up for you.

Senator LINCOLN. Mr. President, I appreciate the gentleman's courtesy in taking the action he is, because I have been involved in these types of amendments throughout the sixteen years I have been in office and sometimes unwittingly we do some terrible things. I would hate to think of what we would do to the process of issuing citations throughout the Commonwealth by doing something we did not totally understand. I have no quarrel with the amendment, and I would be very happy to support it tomorrow if I can get the answer I am looking for.

The PRESIDENT pro tempore. Senator Salvatore withdraws the amendment and requests that the bill go over in its order. Without objection, House Bill No. 854 will go over in its order.

LEGISLATIVE LEAVES CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

SB 973 (Pr. No. 1293) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal history record information.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator HOPPER, by unanimous consent, offered the following amendment No. A1152:

Amend Sec. 1 (Sec. 9106), page 2, line 2, by striking out "cities of the third class and larger" and inserting: municipalities

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 OVER IN ORDER

SB 1282 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1454 (Pr. No. 2902) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for administration of support matters; providing for notice concerning judgments by operation of law; further providing for expedited procedure and for the duty to report; providing for arrears as judgments; and providing a penalty.

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	Peterson	Stewart
Brightbill	Kelley	Regoli	Stout
Corman	Lemmond	Reibman	Tilghman
Fisher	Lewis	Rhoades	Wenger

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

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 with amendments in which concurrence of the House is requested.

**HB 1577 (Pr. No. 2672)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the compensation of supervisors and for the purchase of insurance; and making editorial changes.

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

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.

BILL OVER IN ORDER

**HB 1755** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 2031 (Pr. No. 2849)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator LEWIS. Mr. President, the recognition almost makes the point which I want to speak to, and that is we have before us this House bill, and it appears as if it is going to pass this Senate on the initial issue with relatively little attention. I rise to point that item out to my colleagues because I think this is a matter of extreme importance to all of us in the Commonwealth of Pennsylvania, and I think we do ourselves a disservice by not pausing for a moment to highlight the significance of this legislation. Let me say that in the preceding weeks when the issue about shareholders' rights was being debated in the State of Delaware, there was national attention on that process and on the issues that were being raised. Let me remind my colleagues here that this bill, which we, I believe, are about to pass, is as farsighted and as innovative and as important to shareholders and businesses in Pennsylvania as that issue which received such attention in the State of Delaware. I do not think there is anything which we have done in this General Assembly in the last few months which has, in my opinion, as significant and as positive an impact upon an environment for economic development in the Commonwealth of Pennsylvania as this legislation. This is a significant step which we are taking. The passage of this legislation, and its approval by the Governor, will make Pennsylvania one of the leading states in these United States in terms of the atmosphere which will exist within which businesses can grow and can contribute capital for productive expansion and not have to be afraid of hostile takeover threats being thrown in their way by those who are basically interested in greenmail and the profits that can be made through economic and corporate disruption. I think we ought to pause for a moment and take a little pride in what we are doing here today because, certainly, each one of us knows full well that when this General Assembly, this Senate in particular, does something which may not constitute its finest hour, the legions amass rapidly to throw their scorn and to let us know of their displeasure. This is a time when we are doing something positive, productive and important, and we ought to play our own tune a little bit because I think we are doing a great justice and service for the Commonwealth of Pennsylvania. I did not want to let the opportunity pass without pointing that out.

LEGISLATIVE LEAVE CANCELLED

Senator WENGER. Mr. President, first of all, I would ask that my temporary Capitol leave be cancelled.

The PRESIDENT pro tempore. The Chair obviously recognizes you, Senator. You are on the floor prepared to debate and your leave is cancelled.

And the question recurring,  
Shall the bill pass finally?

Senator WENGER. Mr. President, the bill before us is identical to Senate Bill No. 1200, which passed the Senate on February 2, 1988 by a vote of 47-0. This bill makes it more difficult for an outside entity to do an unfriendly takeover of



a corporation chartered in Pennsylvania. Let me emphasize that the bill does not interfere with a negotiated merger. Only in a situation of an unfriendly or hostile takeover would it apply. Too often a raider, or the person who tries to acquire one of those Pennsylvania corporations, in this case, buys a large block of stock in the corporation to get control and then sells off assets of the acquired corporation to help pay for the cost of the acquisition. This bill would assure that all stockholders were treated fairly by receiving fair value for their stock. It would also prevent raiders from using assets of the corporation they acquired to pay off the junk bonds for five years after such a takeover attempt. This makes the temptation to a potential raider much less attractive. These raiders usually do not produce anything of value. A small number of people take a profit without providing a service or a product. In some cases, they take jobs and assets from the community and from the state.

Mr. President, passage of this bill is especially important at this time because of the fluctuation of the stock market since last October. Lower priced shares in relation to a corporation's earnings make these hostile takeovers more attractive at this time than they may have been at certain times in the past. Passage of this legislation is not only important, but it is timely, because not only would it assure that our corporations could continue to have efficient management here in the Commonwealth, but it is also important to the men and women whose jobs and futures are at stake. We certainly do not want to see our corporations that provide employment for so many people being dissipated and being shopped out and not have the opportunity for growth, prosperity and job opportunity that we have come to expect them to provide here in our state.

Mr. President, this bill could be one of the most important pieces of legislation passed in this Session. I urge an affirmative vote.

Senator LOEPER. Mr. President, very briefly, I would like to take this opportunity to commend the gentleman from Lancaster, Senator Wenger, for the fine work he has done on this piece of legislation, particularly in light of the fact that he was the prime sponsor of Senate Bill No. 1200, which unanimously passed this Body and rests currently in the House of Representative's committee. It was Senator Wenger's leadership on this issue and recognition of the critical importance of this legislation to really give up the partisanship issue and to move this bill through the Senate. I commend Senator Wenger for his efforts and his leadership in the forefront of this issue for jobs and business for Pennsylvania. I would ask an affirmative vote on the legislation.

Senator LINCOLN. Mr. President, while I can appreciate the accolades the gentleman from Delaware, Senator Loeper, is handing out to the gentleman from Lancaster, Senator Wenger, and I know full well from my experience in this matter that he deserves it, I think also those same accolades could be mentioned regarding a few people in the Democratic caucus. In the bill that was originally introduced here, there were a number of our people who worked hard on it. The gentleman from Lackawanna, Senator Mellow, for one, met with

Cliff Jones from the Chamber of Commerce. There was an effort made to make amendments to Senate Bill No. 1200 when it was here. Those were amendments that were traditionally very difficult for Members of the Democratic caucus to resist and we did so. When that bill went to the House, it became a parochial issue in that both houses wanted to have the glory of getting this into law. I commend the Republican caucus here for doing the right thing and running the House bill under the circumstances, but there also were commitments made from our leadership and from our caucus to support this very badly needed piece of legislation and to resist any amendments. I think the whole Senate really deserves some credit and some accolades for dealing with this issue in the manner they have, and I would urge an affirmative vote.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—47

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

#### 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

**HB 167, 418, SB 741, HB 811, 834, 855 and 1128** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 1258 (Pr. No. 2703)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further prohibiting the use of certain devices to release two or more arrows; and further providing for cooperation after lawfully killing big game.

Considered the second time and agreed to,

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



## BILLS OVER IN ORDER

**SB 1265, 1266, 1267 and 1278** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL REREFERRED

**HB 1308 (Pr. No. 2969)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the cost of certain journals published for district justices; providing a statute of limitations regarding the institution of lawsuits against professional land surveyors and landscape architects; providing for affidavit of noninvolvement for construction design professionals; and further providing for corporate directors' liability and for probation.

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

## BILLS OVER IN ORDER

**SB 1323, HB 1449 and 1574** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**HB 1652 (Pr. No. 2968)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further defining "safety zone" to include playground areas; further providing for residency of members of the armed forces of the United States and of the United States Coast Guard and for the issuance of licenses to such persons; further providing for the cost and duration of a disabled person's permit; and requiring the Game Commission to make certain refunds.

Considered the second time and agreed to,

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

## BILL OVER IN ORDER

**HB 2002** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

MEETING OF COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS

The PRESIDENT pro tempore. Senator Loeper has requested a brief meeting of the Committee on Rules and Executive Nominations and asks that all Members of that committee report to the Rules Committee room immediately at the rear of the Senate Chamber. If we may continue with unfinished business and completing the tasks of the day, I would ask that all Members of the Committee on Rules and Executive Nominations report to the Rules Committee room immediately.

## UNFINISHED BUSINESS

## SENATE RESOLUTIONS

DESIGNATING MARCH 22, 1988, AS  
"TOURISM DAY" IN PENNSYLVANIA

Senators SHAFFER, HOLL, WENGER, STAUFFER, MADIGAN, MOORE, HOPPER, JUBELIRER, BELL, FISHER, CORMAN, SHUMAKER, PETERSON, GREENLEAF, TILGHMAN, STAPLETON, ROMANELLI, KELLEY, BRIGHTBILL, LEMMOND, HESS, RHOADES, REGOLI, MUSTO, STOUT, BODACK, LEWIS, REIBMAN, AFFLERBACH, MELLOW and O'PAKE offered the following resolution (**Senate Resolution No. 167**), which was read, considered and adopted:

In the Senate, March 21, 1988.

## A RESOLUTION

Designating March 22, 1988, as "Tourism Day" in Pennsylvania.

WHEREAS, Tourism is Pennsylvania's second largest employer; and

WHEREAS, Tourism continues to create hundreds of jobs annually, resulting in increased tax revenues for the Commonwealth and local governments; and

WHEREAS, Tourism is good for local economies, as well as the economy of Pennsylvania, and benefits every resident of Pennsylvania; therefore be it

RESOLVED, That the Senate designate March 22, 1988, as "Tourism Day" in Pennsylvania.

REQUESTING THE GOVERNOR TO PROCLAIM  
THE WEEK OF APRIL 10 THROUGH 17, 1988,  
AS "DAYS OF REMEMBRANCE OF THE  
VICTIMS OF THE HOLOCAUST"

Senators SALVATORE, JUBELIRER, REIBMAN, STAUFFER, ROCKS, ROMANELLI, SHUMAKER, GREENWOOD, RHOADES, GREENLEAF, O'PAKE, STOUT, CORMAN, WENGER, BELL, FUMO, HELFRICK and ANDREZESKI offered the following resolution (**Senate Resolution No. 168**), which was read, considered and adopted:

In the Senate, March 21, 1988.

## A RESOLUTION

Requesting the Governor to proclaim the week of April 10 through 17, 1988, as "Days of Remembrance of the Victims of the Holocaust."

WHEREAS, Six million Jews and millions of other people were murdered in concentration camps as part of a program of extermination carried out by the Nazi party during World War II; and

WHEREAS, The atrocities committed against these men, women and children will live on in our memory as the depth of man's inhumanity to man; and

WHEREAS, The people of this Commonwealth should always remember these atrocities so that such horrors will never be repeated and should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, The people of this Commonwealth should recognize that tyranny creates the political atmosphere in which bigotry flourishes, and should be vigilant to detect, and ready to resist, the tyrannical exercise of power; and

WHEREAS, This Commonwealth is dedicated in deed, in thought and in prayer to eliminating hatred and malice among all people; therefore be it

RESOLVED, That the Senate request the Governor to proclaim the week of April 10 through 17, 1988, as the "Days of Remembrance of the Victims of the Holocaust" and further request the Governor to issue a proclamation calling upon the people of this Commonwealth to observe this week with appropriate ceremonies and activities.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Erie Chapter of the Pennsylvania Society for the Advancement of the Deaf, Incorporated by Senator Andrezeski.

Congratulations of the Senate were extended to Guy Masters by Senator Bell.

Congratulations of the Senate were extended to Suzanne Semanick by Senator Fisher.

Congratulations of the Senate were extended to the Academic Decathlon Team of Abington High School by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Fred McAfee and to the Kulpmont Lions Club by Senator Helfrick.

Congratulations of the Senate were extended to Jack H. Barton, Mildred H. Becker and to James W. Reedy by Senator Hess.

Congratulations of the Senate were extended to Police Chief James W. Hansley by Senator Holl.

Congratulations of the Senate were extended to the Westmoreland County Boroughs Association by Senator Kelley and others.

Congratulations of the Senate were extended to Karen Wicks, Kimberly McGilvary and to Diana McMahon by Senator Mellow.

Congratulations of the Senate were extended to the Hospital Volunteer Workers of Wilkes-Barre General Hospital by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Don Favero and to Timothy Lucas by Senator Regoli.

Congratulations of the Senate were extended to Mr. and Mrs. Earl LaBarre, Sister Matthew Anita MacDonald, Blue Valley Rescue Squad and to Liberty Ambulance Service, Incorporated by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Elias M. Jackson, Mr. and Mrs. Benjamin Kuehner, Mr. and Mrs. Joseph L. Severino, Mrs. Robert McElhattan and to John Reib by Senator Shaffer.

Congratulations of the Senate were extended to Hubert O. Peterson by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth P. Shick by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Aaron J. Farabaugh by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. John Crunick, Mr. and Mrs. Ralph Johnson and to Clarence R. Breese by Senator Stout.

Congratulations of the Senate were extended to General Carl E. Vuono by Senator Zemprelli.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Benjamin H. Wilson was extended to Mrs. Jean Terry Wilson by Senator Greenwood.

### PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, I would like to be recognized to make remarks relative to an incident that happened at a WPIAL basketball playoff game last week. I think my real frustration is that it points up a fellow by the name of Heberling, who is the head of the WPIAL, and his arrogant, insensitive approach to running the high school sports program. I am not the first one who takes this position with him, but I intend to develop a resolution to have us go in and take a look at how Mr. Heberling has been running that operation, what happens to their funds and a lot of other things.

A very fine group of young men who play basketball for Uniontown High School lost a ball game that they won by four points, and it is the most bizarre happening I have seen in thirty-five years of being a fan of high school basketball, football, and so on. Uniontown was involved in a semifinal game with Farrell, from Beaver County—and I am not demeaning the Farrell team or taking anything away from them, but they lost a ball game that they ended up winning. Uniontown was winning 20-18 and, because of a decision made prior to the beginning of the game in that the Farrell team did not want to wear their traveling uniforms, Mr. Heberling decided to let them wear their visiting uniforms which meant that both teams had even numbers on the backs of their jerseys. A Uniontown player by the name of Vaughns stole a pass from a Farrell player, drove the length of the court and scored a basket which should have made the score 22-18. The scorer, seeing the "30" on the back of the young man who scored the basket, credited it to the opposing team's "30," which then made the score 20-20 rather than 22-18. It was called to the attention of everybody involved. Mr. Heberling, who is the head of the WPIAL, was there and there was nothing done about it. There was an effort made to correct the score then, and later on, at half time. The game ended up in a tie, 56-56, where in reality Uniontown had won the ball game 58-54. They went two overtimes, and Farrell prevailed in the second overtime with a late shot and Uniontown ended up getting beaten in a ball game they won. There is no question, the Farrell coach and everyone else knows that Uniontown had a 58-54 win. Two very prominent officials, who have gone through the ranks of junior high, high school, college and everything, were astounded. They were interviewed and there

was a story in the Uniontown paper by Todd Trent, who is the longtime sports editor from the Uniontown newspaper, that both of the men were incensed and that score could have been changed at any particular time. This is the type of decision making that our young athletes in the west have had to endure from Mr. Heberling for ages.

My own personal school district, Connellsville, is one of the largest in western Pennsylvania. We have one of the finest facilities in that area, and Mr. Heberling, because he does not like Stan McLaughlin, the Athletic Director, who is also an outstanding football coach at Dunbar Township in Connellsville, has never allowed one playoff game to be played there. No WPIAL events are played in the Connellsville School District because of the attitude of Mr. Heberling. I know Allen Kukovich tried to go after him a number of years ago and was thwarted.

I can tell you that sometime in the very near future, probably when we get back after the Easter break, I am going to come forth with a resolution asking that the Committee on Education of this Senate be allowed to go into the WPIAL records with subpoena power and find out what is going on. It is not a partisan issue. It is not an issue because my dear friend Jim Ross represents Farrell High School, and I am sure as the devil not here trying to embarrass him or the Farrell basketball team. There is a lot of money being spent and a lot of money being made by the WPIAL and the PIAA on their playoffs, particularly in the glamour sports such as basketball. I think it is about time we, as responsible Legislators, go in and take a look at what we are allowing to happen. That would never happen with the teachers. That would never happen with administrators. I guarantee you that with the billions of dollars we spend—it is like \$2.5 billion on ESBE alone this year—we would not allow that to happen within our school districts. I think it is about time we take some action to find out just what is taking place throughout our sports, both for girls and boys, throughout this Commonwealth.

Senator WILT. Mr. President, I want to speak and not in response to but as an addendum to the remarks of the gentleman from Fayette, Senator Lincoln. First of all, just for a matter of correction, Farrell is in my district, it is in Mercer County. Even though they were the benefactors of the call, it nonetheless points out that honest people could make honest mistakes, and I think we would all grant that. I do not mean to belabor the particular incident which Senator Lincoln referred to, even though it is indelibly impressed that it did occur. I do think the overall contention which the gentleman expressed about the WPIAL operation is one which deems to be scrutinized. There have been enough incidents over a period of time with the administration of that conference or league, however it is more formally known. I understand we all have representatives from our schools by districts who represent the area interest on that board. I have no problem with that either, except there seems to continually be unanswered questions about the operation as alluded to in the previous comments. I never cease to be amazed at the basically haughty

attitude when inquiries are made from the Legislature to them, down to and including the requests for tickets and the lack of courtesy, not that anybody should be beholden to us as a legislative Body or to us as persons, but to give legitimate answers to honest questions about how tickets are allocated and space allotted. This kind of information is very difficult to come by, and, certainly, when it is extracted, it is not usually done, or at least the attitude in which it is shared is not one of sharing but one of questionable interests that the Legislature would have in anything they might do. So, if the gentleman from Fayette, Senator Lincoln, would pursue his concern by using a resolution as a vehicle, I want him to rest assured that I would be flattered if he would permit me to sign it.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 403** and **404**, with the information the House has passed the same without amendments.

### BILLS SIGNED

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

**SB 403** and **404**.

### 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 ARCHITECTS LICENSURE BOARD

February 24, 1988.

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 S. Palumbo, 1007 Columbia Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald E. Hunter, Hermitage, whose term expired.

ROBERT P. CASEY.

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

February 23, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Karen S. Fisher, R. D. 2, Box 202, Mineral Point 15942, Cambria County, Thirty-fifth Senatorial District, for appointment as a Commonwealth Trustee of the University of Pittsburgh—of the Commonwealth System of Higher Education, to serve until October 5, 1990, and until her successor is appointed and qualified, vice Thomas J. Hajduk, Pittsburgh, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

February 8, 1988.

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 George W. Batyko, Jr. (Public Member), 214 Essex Knoll Drive, Coraopolis 15120, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, 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 Dr. Lelia T. Allen, Pittsburgh, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

February 8, 1988.

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 Glenn E. Mellott, 320 Crestline Drive, Willow Street 17584, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, 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.

ROBERT P. CASEY.  
MEMBER OF THE ALLEGHENY COUNTY  
BOARD OF ASSISTANCE

January 28, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James Franklin Henry (Democrat), 5978 Wallace Avenue, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Marguerite McGregor, Edgewood, 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 pro tempore. The nominations will be laid on the table.

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 PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

February 9, 1988.

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. Wisniewski, 104 Birch Avenue, Crestview Manor, Pittsburgh 15209, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1993, or until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA HUMAN  
RELATIONS COMMISSION

February 25, 1988.

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, Elizabeth Coles Umstatted, 733 Stoke Road, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1993, or until her successor is appointed and qualified.

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
Andrezeski	Holl	Moore	Shaffer
Armstrong	Hopper	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Peterson	Stewart
Brightbill	Kelley	Regoli	Stout
Corman	Lemmond	Reibman	Tilghman

Fisher	Lewis	Rhoades	Wenger
Fumo	Lincoln	Rocks	Williams
Greenleaf	Loeper	Romanelli	Wilt
Greenwood	Lynch	Ross	Zemprelli
Helfrick	Madigan	Salvatore	

NAYS—0

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

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

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

The motion was agreed to.

#### ANNOUNCEMENTS BY THE SECRETARY

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

##### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

TUESDAY, MARCH 22, 1988

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 847, 1275, 1276 and State Board of Dentistry Regulation 16A-161)	Room 08E, Hearing Room, East Wing
9:30 A.M.	JUDICIARY (Public Hearing to on Senate Bill No. 1100)	Senate Majority Caucus Room
12:30 P.M.		
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 486, 638, House Bills No. 349, 1071 and 1731)	Room 460, 4th Floor Conference Rm., North Wing
11:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider House Bill No. 1727 and sunset plan for Ben Franklin Partnership)	Room 461, 4th Floor Conference Rm., North Wing
11:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Dept. of Health Emergency Services Regulation 10-96 and Senate Bill No. 1234)	Room 459, 4th Floor Conference Rm., North Wing

WEDNESDAY, MARCH 23, 1988

10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider Senate Bill No. 628 and House Bill No. 819)	Senate Majority Caucus Room
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WEDNESDAY, MARCH 30, 1988

6:30 P.M.	URBAN AFFAIRS AND HOUSING (Public Hearing to consider Senate Bill No. 1301, Non-Mine Subsidence)	Roll Call Room, 7th Police Dist., Bustleton and Bowler Streets, Philadelphia
9:00 P.M.		

TUESDAY, APRIL 12, 1988

10:00 A.M.	FINANCE (Public Hearing on House Bill No. 669)	Room 08E, Hearing Room, East Wing
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WEDNESDAY, APRIL 20, 1988

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider the nomination of Joseph Rhodes, Jr., to the PUC)	Senate Majority Caucus Room
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#### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, March 22, 1988, immediately following adjournment of the First Special Session.

The motion was agreed to.

The Senate adjourned at 5:45 p.m., Eastern Standard Time.