

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 15, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 15

SENATE

WEDNESDAY, March 15, 1989.

The Senate met at 10:30 a.m., Eastern Standard Time.

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

PRAYER

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

We thank You, Father, for this assembled Body, for those who engage willingly in its demanding and often tumultuous struggle, for the dignity and justice in the lives of the people. Forgive us when we prefer our way rather than Your way, and favor us with Your light and guidance, so that Your will may be discerned in the midst of our daily lives. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 14, 1989.

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

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Raphael J. Musto as a member of the Committee on Energy and Public Utilities of the Eastern Regional Conference of the Council of State Governments and as a member of the Committee on Environment of the Eastern Regional Conference of the Council of State Governments.

Senator Michael M. Dawida as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Vincent J. Fumo as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator William J. Stewart as a member of the Task Force on Economic Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Charles D. Lemmond, Jr. as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee and as a member of the Pennsylvania Public Television Network Commission.

Senator Richard A. Tilghman as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Mr. George B. Wolff as a member of the Chesapeake Bay Commission.

Senator Terry Punt as a member of the Pennsylvania Emergency Management Council.

Senator Frank A. Pecora as a member of the Local Government Commission.

Senator Noah W. Wenger as a member of the Legislative Audit Advisory Commission.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet off the floor during the Session to consider certain nominations.

REPORTS FROM COMMITTEES

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

SB 109 (Pr. No. 745) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring certain insurers to provide for extraordinary medical benefits; providing for limits, for transition of catastrophic loss benefits and for funding of benefits; and making repeals.

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

SB 134 (Pr. No. 134) (Rereported)

An Act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection, the Attorney General and district attorneys.

SB 316 (Pr. No. 327) (Rereported)

An Act providing for the establishment of a Family Preservation Program by the Department of Public Welfare; providing for grants to counties for programs enabling children who would otherwise be subject to out-of-home placement to remain at home; and making an appropriation.

BILL IN PLACE

Senator SHUMAKER presented to the Chair a bill.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for a legislative leave for Senator Greenwood and a Capitol leave for Senator Peterson, who is attending the meeting for PENNVEST.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Stout and Senator Musto, who are at meetings with the Committee on Environmental Resources and Energy.

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

The PRESIDENT. Senator Brightbill asks for legislative leave for Senator Greenwood and temporary Capitol leave for Senator Peterson. Senator Stapleton asks for temporary Capitol leaves for Senator Stout and Senator Musto. Senator Loeper requests temporary Capitol leave on behalf of Senator Fisher. The Chair hears no objections. The leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

SB 313 CALLED UP OUT OF ORDER

SB 313 (Pr. No. 321) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 313 (Pr. No. 321) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," authorizing the establishment of boards of health; providing for their powers and duties; and making repeals.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	Madigan	Ross
Andrezski	Greenwood	Mellow	Salvatore
Armstrong	Helfrick	Musto	Scanlon
Baker	Hess	O'Pake	Shaffer
Belan	Holl	Pecora	Shumaker
Bell	Hopper	Peterson	Stapleton

Bodack	Jones	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	Lemmond	Regoli	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher	Loeper	Rocks	Wilt
Fumo			

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fisher, Senator Musto and Senator Stout. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Fisher has been called back to a recessed meeting and I would ask for a temporary Capitol leave on his behalf.

Senator LINCOLN. Mr. President, I would like to reinstate Senator Stout and Senator Musto on temporary Capitol leaves. They are attending the same hearing that Senator Fisher is, the hearing of the Committee on Environmental Resources and Energy. I would also like to request temporary Capitol leaves for Senator Stapleton, who will be attending that hearing, and for Senator Scanlon and a legislative leave for the remainder of the day for Senator Afflerbach.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Fisher. Senator Lincoln requests temporary Capitol leaves for Senator Stout, Senator Musto, Senator Stapleton and Senator Scanlon and a legislative leave for Senator Afflerbach. The Chair hears no objection. Those leaves will be granted.

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

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

CONSIDERATION OF CALENDAR RESUMED

SB 2 CALLED UP OUT OF ORDER

SB 2 (Pr. No. 742) — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL OVER IN ORDER

SB 2 (Pr. No. 742) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition

Payment Fund; and providing for tuition account payment contracts.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator JUBELIRER. Mr. President, Senate Bill No. 2 is the result of three years of work and a tremendous concentrated effort by those who believe that a guaranteed tuition plan is a concept whose time has come, following the lead of some nine or ten other states in the nation and pioneered by the State of Michigan, which now has some 82,000 participants. Mr. President, I believe Senate Bill No. 2 goes well beyond the Michigan plan and is drafted, I hope, this time to meet the objections of those who expressed concerns in previous years and at several public hearings. The Committee on Education, chaired by the gentleman from York, Senator Hess, and the Democratic Chairlady, the lady from Northampton, Senator Reibman, I think have done an exceptional job on this legislation, and I commend them for it. Recognizing that some have raised questions about it, we have tried to address those questions. I want to express my appreciation to Governor Casey for the opportunity to meet with him on Monday and answer some of the questions that he and his staff have raised, as well. Recognizing that the process is slow, it was our hope to get off to a good start in the early part of this Session and make this bill a high priority. Certainly with the low number of Senate Bill No. 2, we believe it is important that the bill move in the process. I would hope, Mr. President, those objections have been answered. It is important to me as the prime sponsor and to those who believe in this concept that it is a bipartisan concept and one that I believe all Members, not only of the Senate but also the General Assembly, can embrace. I would hope at this time, Mr. President, we would have an affirmative vote on Senate Bill No. 2.

Senator MELLOW. Mr. President, I fully realize that late last year at the conclusion of our Session this Body did, in fact, consider a proposal very, very similar to what is encompassed today in Senate Bill No. 2. Mr. President, we have also had the opportunity in our discussions, whether it be in our caucus or in our private discussions, to talk about the concept of Senate Bill No. 2 and what, in fact, it means to our people, because I think we view this, Mr. President, not as an issue that should be divided by political philosophy and political considerations, but, in fact, Mr. President, an issue that affects the people of Pennsylvania and one of those things that we like to characterize as a people issue. Unfortunately, Mr. President, it was just on Monday of this past week that this proposal in this legislative Session was reported to the full Senate. We have had the opportunity of talking over with the leadership on the other side of the aisle and, although, Mr. President, we are totally in favor of the concept and the spirit that we have in mind in Senate Bill No. 2 that the gentleman from Blair, Senator Jubelirer, has advanced to us, we at this

point in time, on this side of the aisle, have not had the proper time to be able to discuss the bill individually and to come up with what we would like to see as some type of suggested changes. I would like to make a suggestion to Senator Jubelirer, Mr. President, acknowledging the fact that he has done an outstanding job, along with whom we consider our counterpart, the lady from Northampton, Senator Reibman, in developing this proposal. We would like to ask him if at this particular time he might give consideration not to the bill but, in fact, if he would give some consideration to putting the bill over so that we will give our staffs additional time to work on the proposal during the recess that will be before us very shortly. Hopefully, it will give us the opportunity of coming back at a date in the very near future when we can consider this bill in the bipartisan spirit in which it has been submitted and, hopefully, send it on to the House of Representatives for their consideration.

The PRESIDENT. Is that in the form of an interrogation to Senator Jubelirer, Senator Mellow?

Senator MELLOW. Mr. President, I do not think I would want to make it a form of interrogation. I think I would like for Senator Jubelirer, since he is on the floor and he is listening to the discussion, to just basically take these thoughts into consideration and go from there.

Senator JUBELIRER. Mr. President, I appreciate and respect the Democratic floor leader's remarks. I believe, if the bill were to run today, there would be strong support for it and, obviously, sufficient support, I believe, to pass the bill and send it to the House. However, it is not my desire to use this vehicle and this concept in this vitally important piece of legislation which is going to impact on future generations and, I believe, have a major effect on young people being able to afford to go to college to be a divisive issue. If, indeed, as the gentleman has suggested, there are still questions that have been raised, it is our hope we can answer those questions in the time provided by the Easter recess and bring the bill back on the Monday following that recess, likely on April 3rd, and run the bill at that time, hopefully with, if not unanimous support, near unanimous support. I would hope all Members who have questions would raise those with our staff. We are prepared to work with anybody, the Governor's Office, the House, and also accommodate the gentleman. For that reason, Mr. President, I would have no objection if the bill went over in its order at this time.

The PRESIDENT. Senator Jubelirer requests that the bill go over in its order. The Chair hears no objection and the bill will go over in its order.

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR RALPH W. HESS PRESENTED TO SENATE

Senator HESS. Mr. President, in the gallery today, I have several guests, students from the Garber Mennonite School, and they are accompanied by their teacher, Mr. James Polking. I would sincerely appreciate the Senate giving them its warm welcome as they view government in action today.

The PRESIDENT. Would the guests of Senator Hess please rise so we could give you our usual warm Senate greeting. (Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 254 (Pr. No. 929) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 1964 (Sp. Sess., P. L. 84, No. 6), known as the "Eminent Domain Code," further providing for the definition of "displaced person," for moving and related expenses of displaced persons, for replacement housing and for issuance of regulations.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I would just ask that this bill pass with overwhelming support.

LEGISLATIVE LEAVES

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

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Jubelirer. The Chair hears no objection. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

Senator BELL. On the question, Mr. President, I want it very clearly pointed out on the floor that this bill, although it is a House bill, prime sponsored by a Democrat, the Republican-controlled Senate is passing it. And let this be a message to the House that we do not play silly games.

Senator LINCOLN. Mr. President, I am not sure that I understand the intent of that type of comment, but this bill was before us back in November of last Session and was ungodly amended by a Senate Republican to the point that it was so ineffective that it could not be used for the purposes of complying with federal law. That is why we are here in mid-March of 1989 trying to get this done. It is unfortunate that that type of statement had to be injected, because I was under the impression that we were at a point in this particular issue where everybody was pulling the same sled with the same shoulder. I just do not think that those types of remarks were appropriate. But I think the record should be kept straight, and that is the only reason why I would stand to make any remarks whatsoever.

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, Senator Fumo was just called from the floor and I would like to request a temporary Capitol leave for Senator Fumo.

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

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—49

Afferbach	Greenleaf	Madigan	Ross
Andrezeski	Greenwood	Mellow	Salvatore
Armstrong	Helfrick	Musto	Scanlon
Baker	Hess	O'Pake	Shaffer
Belan	Holl	Pecora	Shumaker
Bell	Hopper	Peterson	Stapleton
Bodack	Jones	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	Lemmond	Regoli	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher	Loeper	Rocks	Wilt
Fumo			

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.

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR TERRY L. PUNT PRESENTED TO SENATE

Senator PUNT. Mr. President, we are pleased to have with us today the high school government class of Delone Catholic High School in McSherrystown, Adams County. I would like to welcome these students to see government in action. I would ask my colleagues in the Senate to give them a warm welcome to the Senate Chamber.

The PRESIDENT. Would the students, friends and guests of Senator Punt please rise so we can give you our warm Senate welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 4 (Pr. No. 743) — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted and amended, "Regulatory Review Act," further providing for the membership of the Independent Regulatory Review Commission and for the proce-

ture for regulatory review; changing the termination date for the commission; and making repeals.

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?

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, Senator Jones has been called to her office for a meeting and I would request a temporary Capitol leave on her behalf.

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

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

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

And the question recurring,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, once again, the idea of an Independent Regulatory Review Commission is before us. It is no secret where I am coming from and what my position has been over the years that we have been dealing with this. Several years ago we were able to put this commission out of existence, and for some foolish reason, about five months later, we put it back into existence. We passed a bill that was vetoed by the Governor. I think it is apparent that the Independent Regulatory Review Commission is not independent in its actions. In fact, I think it has been just totally the opposite of what those of us in the General Assembly, back in the mid and late '70s and into the early '80s, were trying to achieve, and that was a little more legislative input into the rules and regulations that were promulgated in response to some act that we had passed here in the General Assembly. What it has turned out to be has been a lobbyist's delight. Not only do we have advocates for certain business interests and other interests who have an opportunity to deal with the Legislature during the period of time a bill is being debated, but they now have an opportunity to inject themselves into the rules and regulations process, and many times at the expense of the Legislature. The Independent Regulatory Review Commission, over the period of years, has been very deaf in their response to some of the issues that we objected to here in the General Assembly. The key to this whole thing is that it is nothing more than an additional bureaucratic burden. A gentleman who is now a Chief Deputy at DER, when he was acting in the capacity as the head of the Citizens Advisory Commission at DER, Mark McClellan, did a very interesting study of what the Independent Regulatory Review Commission brought about in the process of promulgating rules and regulations. Before they were there, he took the time frame that it took to

get a rule or a regulation through the process. He did a slide rule effect and had a paper up on his wall that was twelve feet long. The process had come from nothing to twelve feet in the number of delays and in the number of procedural things that had to be done through the process. It is unnecessary and it is unwanted. We will be doing everybody that we represent a big favor in defeating this bill today. Surprisingly enough, there are a number of statewide nonpartisan legislative lobbying groups, such as one of the women's rights groups, The League of Women Voters, which has been very strongly opposed to this particular issue. There are a number of other types of lobbying groups who are not here advocating for one interest or another that have opposed the Independent Regulatory Review Commission concept. I would ask that you think about the fact that we could do a lot of other things if we want to. We can maybe hold some hearings on what we should be doing to make this process right if we have to have something. We could go back to what we were doing in my House days. In every piece of legislation there would be a section placed that said that any rule or regulation promulgated pursuant to this act shall be approved by the Standing Committee in the House or Senate that the bill came from. It is simple. We have staffs today that would very easily be able to handle that type of a burden. Unfortunately, at the time in the '70s when we were doing this, we did not have the staff. I think the simplest thing to do if you want very good, strong input into those rules and regulations that sometimes have more of an effect on our constituencies than the act itself, consider that very simple process, a section in the act saying that any rule or regulation promulgated pursuant to this act shall be approved by the Standing Committee from the House or the Senate from which that bill came. This is not a partisan issue. It is fun to debate these when we do not have to get up and deal with one another on a partisan basis. This is something that I think crosses party lines and has been through several Governors, and I believe today we can put just the final kibosh to something that has been a bad idea from its inception. I ask for a negative vote on Senate Bill No. 4.

Senator WENGER. Mr. President, Senate Bill No. 4 before us today amends and reestablishes the Regulatory Review Act and reauthorizes the Independent Regulatory Review Commission for another five years. The bill has some amendments from what we had previously. The bill imposes new conflicts of interest standards on the IRRC commissioners. The Commission and the Standing Committees' consideration of a proposed regulation begins after the public comment period has ended and ensures that Legislators would have the opportunity to review any agency modifications made to a proposed regulation during the process prior to final adoption. I think this is important, Mr. President, because it assures, or gives us some assurance, at least, that legislative intent is followed in the regulation. One of the things that the gentleman from Fayette, Senator Lincoln, pointed out was so important. It also protects the public from unnecessary or cumbersome regulations, and the intent of IRRC is to protect the public, not to protect the bureaucracy that has the responsibility of pro-

mulgating the regulations. It is there to assure, first of all, that legislative intent is carried out and that the public receives the protection they should receive. The bill also addresses the constitutional concerns posed by the Regulatory Review Act by requiring presentment to the Governor. There were some changes made in the Act to address Governor Casey's concerns. We have a different bill before us than we had last year that the Governor found certain objections to. The Senate, on this floor yesterday, amended the bill to streamline the review process by preventing the recycling of final form regulations that could have occurred between agencies in IRRC at the end of the review process. That amendment was put in yesterday. I think it was an appropriate amendment and should streamline the process and keep the process moving. With the changes I have highlighted, I urge my colleagues to vote "yes" on Senate Bill No. 4. The bill represents a good faith effort by this Body to address the Governor's concerns but still maintain an effective and independent Regulatory Review Commission.

Senator LOEPER. Mr. President, I rise also to lend my support to the passage of the bill re-creating the Independent Regulatory Review Commission. I think, Mr. President, it is important that we review some of the history that brings us to the point where we are trying to reinstitute the Commission. There was a need to deal with regulations that had been promulgated by the various departments to demonstrate the intent of law passed by the General Assembly. Unfortunately, many of the regulations that were coming out of the various departments of state government bore little or no resemblance to the intent, in many cases, of what the General Assembly had intended, and, therefore, the original creation of this commission, an independent commission, a bipartisan commission, to review various regulations from the departments that would come before it. In my view, Mr. President, it has served a very valuable function in state government. It has helped in programs and services for the entire Commonwealth of Pennsylvania and implemented programs that could comply within regulations that were reasonable and not ones that would hurt the Pennsylvania economy. I believe, Mr. President, it serves a very vital function. I am very supportive, along with the Members of our caucus, of the reinstitution of the Independent Regulatory Review Commission.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—31

Afflerbach	Greenwood	Loeper	Salvatore
Armstrong	Helfrick	Madigan	Shaffer
Baker	Hess	Pecora	Shumaker
Bell	Holl	Peterson	Stewart
Brightbill	Hopper	Punt	Tilghman
Corman	Jubelirer	Reibman	Wenger
Fisher	Lemmond	Rhoades	Wilt
Greenleaf	Lewis	Rocks	

NAYS—18

Andrezeski	Fumo	O'Pake	Scanlon
Belan	Jones	Porterfield	Stapleton
Bodack	Lincoln	Regoli	Stout
Dawida	Mellow	Ross	Williams
Fattah	Musto		

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 160 (Pr. No. 160) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain persons and corporations from bidding on municipal contracts.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator BAKER, by unanimous consent, offered the following amendment No. A0524:

Amend Sec. 1, page 1, lines 9 through 12, by striking out all of said lines

Amend Sec. 4, page 3, lines 22 and 23, by striking out "an individual, agent, officer" and inserting: a high managerial agent

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 BAKER.

BILL OVER IN ORDER

SB 253 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 321 (Pr. No. 332) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," extending the time period from receipt of tax duplicates to mailing of the duplicates to the respective taxpayers.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, Senator Fattah has been called to his office and I would request a temporary Capitol leave for him, please.

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

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—49

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

NAYS—0

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

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

RECESS

Senator LOEPER. Mr. President, as that concludes the third reading Calendar, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately at the rear of the Senate Chamber in the Rules Committee room at this time.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the room at the rear of the Chamber, the Senate will stand in brief recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 1, HB 6, 7 and SB 68 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SB 268 (Pr. No. 275) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 8, 1929 (P. L. 1643, No. 510), entitled "An act relating to the collection of city, county, school, and poor taxes with the territorial limits of cities of the second class A;.....," increasing the salary of tax collectors in second class A cities.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?

Senator LOEPER. Mr. President, I would move that Senate Bill No. 268 go over in its order.

The PRESIDENT. Senator Loeper moves that Senate Bill No. 268 go over in its order.

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

Senator MELLOW. Mr. President, I object to Senate Bill No. 268 going over and ask for a roll call vote. I fully realize the issue is not, in fact, debatable, but Senate Bill No. 268 only has to deal with the City of Scranton in a Second Class A city. It is something that is extremely important and timely, and it is on the ninth day on the Calendar and the bill is on second consideration. There are two amendments out there, Mr. President, that should, in fact, be considered. If the bill is amended on the tenth day, we then would not, in fact, have the proper opportunity of passing the bill without it going back into committee. For that reason I would object to the bill going over in order.

LEGISLATIVE LEAVES

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

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

Senator MELLOW. Mr. President, Senator Dawida has been called to his office and I would like to request a temporary Capitol leave for Senator Dawida.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Dawida. The Chair hears no objection and the leave will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Jones' presence is noted and her temporary Capitol leave will be cancelled.

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

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

YEAS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt

Greenleaf	Lemmond	Rocks	
		NAYS—22	
Afflerbach	Fumo	O'Pake	Scanlon
Andrezeski	Jones	Porterfield	Stapleton
Belan	Lewis	Regoli	Stewart
Bodack	Lincoln	Reibman	Stout
Dawida	Mellow	Ross	Williams
Fattah	Musto		

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

The PRESIDENT. Senate Bill No. 268 will go over in its order.

SB 295, 308, 309, 340, 417, 484, 524 and 545 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 555 (Pr. No. 593) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments for pharmaceutical services.

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

BILLS OVER IN ORDER

SB 580, 595 and 613 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE CONCURRENT RESOLUTION NO. 5, CALLED UP

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Concurrent Resolution No. 5**, entitled:

A Concurrent Resolution requesting the Federal Communications Commission to delay implementing any further increases in the subscriber line charge to Pennsylvania's telephone customers.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION NO. 5, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 5.

The motion was agreed to and the resolution was adopted.

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

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator WILT, 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:

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

February 9, 1989.

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, Anthony J. Martin, Esquire, 2235 Haymaker Road, Monroeville 15146, Allegheny County, Forty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1990, vice The Honorable James F. Clarke, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS, BERKS COUNTY

February 22, 1989.

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, Scott D. Keller, Esquire, R. D. 1, Box 1349, Leesport 19533, Berks County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Berks County, to serve until the first Monday of January, 1990, vice The Honorable Calvin Lieberman, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator WILT,

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.

Senator WILT. Mr. President, I ask unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

The PRESIDENT. Senator Wilt asks unanimous consent for the immediate consideration of nominations made by the Governor for the Court of Common Pleas of Allegheny County and Berks County.

Senator MELLOW. Mr. President, I object to the request for unanimous consent for immediate consideration of the two nominees.

The PRESIDENT. There being an objection to the unanimous consent request, the nominations will lie upon the table.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

SENATE RESOLUTIONS

CONGRATULATING THE PENNSYLVANIA POLITICAL SCIENCE ASSOCIATION UPON ITS FIFTIETH ANNIVERSARY

Senators BAKER, PETERSON, PECORA, ARMSTRONG, WENGER, SALVATORE, LOEPER, HELFRICK, PORTERFIELD, SHUMAKER, REGOLI, REIBMAN, BELAN, AFFLERBACH and LEMMOND offered the following resolution (**Senate Resolution No. 37**), which was read, considered and adopted:

In the Senate, March 15, 1989.

A RESOLUTION

Congratulating the Pennsylvania Political Science Association upon its Fiftieth Anniversary.

WHEREAS, The Pennsylvania Political Science Association is celebrating its Fiftieth Anniversary April 7, 1989; and WHEREAS, The Pennsylvania Political Science Association is an organization for those dedicated to the study of political science; and

WHEREAS, The purpose of the association is to encourage scientific investigation and research in the field of government, politics and administration with special reference to the state and local problems of Pennsylvania; therefore be it

RESOLVED, That the Senate of Pennsylvania congratulate the Pennsylvania Political Science Association for its contributions to Pennsylvania government upon its Fiftieth Anniversary; and be it further

RESOLVED, That this resolution be presented to the Pennsylvania Political Science Association on the occasion of its Fiftieth Anniversary at Gettysburg College, Friday, April 7, 1989, by Senator Earl M. Baker.

AMENDING SENATE FINANCIAL OPERATING RULE III, SECTION 10(a)

Senator LOEPER, on behalf of himself and Senators JUBELIRER, MELLOW, BRIGHTBILL, LINCOLN, HESS and ROSS offered the following resolution (**Senate Resolution No. 38**), which was read as follows:

In the Senate, March 15, 1989.

A RESOLUTION

Amending Senate Financial Operating Rule III, section 10(a).

RESOLVED, That Senate Financial Operating Rule III, section 10(a) be amended to read:

III. Meals and Lodging.

10. Authorized Accounts.

a. Payments shall be made from Incidental Expenses for authorized Per Diem Allowance [as authorized] only for attendance at sessions of the Senate during which roll call votes are recorded.

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

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 38, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 38.

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—49

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

NAYS—0

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Augusta Alexander Clark by Senator Fattah.

Congratulations of the Senate were extended to C. Francis Fisher by Senator Fisher.

Congratulations of the Senate were extended to John W. Clemens by Senator Jones.

Congratulations of the Senate were extended to the Bellevue Police Department by Senator Regoli.

Congratulations of the Senate were extended to Bill Harris by Senator Tilghman.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

SB 109.

And said bill having been considered for the first time,

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

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 14, 1989

Senators CORMAN, BELL, SALVATORE and WILT presented to the Chair **SB 680**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for regulation of traffic on the Pennsylvania Turnpike.

Which was committed to the Committee on TRANSPORTATION, March 14, 1989.

Senators CORMAN, BELL, FISHER, WILT, SALVATORE, SHUMAKER, STOUT, AFFLERBACH, ANDREZESKI and LEWIS presented to the Chair **SB 681**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restoration of operating privilege.

Which was committed to the Committee on TRANSPORTATION, March 14, 1989.

Senators CORMAN, SALVATORE, FISHER, STOUT and STAPLETON presented to the Chair **SB 682**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for permitting violation of title.

Which was committed to the Committee on TRANSPORTATION, March 14, 1989.

Senators CORMAN, BELL, FISHER, WILT, SALVATORE, HELFRICK, STOUT, ANDREZESKI and O'PAKE presented to the Chair **SB 683**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing handicapped and disabled veteran plates for motorcycles.

Which was committed to the Committee on TRANSPORTATION, March 14, 1989.

Senator STEWART presented to the Chair **SB 684**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to convey to Richard C. and T. Anne Barber a certain parcel of land situate in Cambria Township, Cambria County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, March 14, 1989.

Senator BELL presented to the Chair **SB 685**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain actions by supervisory Commonwealth employees.

Which was committed to the Committee on STATE GOVERNMENT, March 14, 1989.

PETITIONS AND REMONSTRANCES

Senator SHUMAKER. Mr. President, today I was pleased to introduce the community college bill, which seeks to increase funding for the state's fourteen community colleges. The funding formula for community colleges calls for one-third of the funding to come from the Commonwealth, while the other two-thirds comes from local taxpayers in the colleges' host communities and from student tuitions. Last year legislation was passed to increase the state's subsidy from \$850 per full-time equivalent student to the current \$1,000 level. By raising the state subsidy from \$1,000 to \$1,100 per full-time equivalent student, we will be achieving the goal of having the state fund one-third of the colleges' net operating cost of \$3,300. By again increasing the state's share, we will be helping to alleviate the financial burden placed on area taxpayers and students, while ensuring that our community colleges continue their noble tradition of providing students of this Commonwealth with a quality education. The bill was introduced with forty-two sponsors.

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, April 3, 1989, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 12:25 p.m., Eastern Standard Time.