

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 20, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 41

SENATE

TUESDAY, June 20, 1989.

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

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

PRAYER

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

Dear Lord, from whom all blessings flow, whose statutes are good and gracious and whose law is truth, we ask You to guide the Legislature of this state that it may ordain for our government only such things as please You, to the greater glory of Your name and the welfare of Your people. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 19, 1989.

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

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

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

MEMBER OF THE BOARD OF TRUSTEES OF SCRANTON STATE SCHOOL FOR THE DEAF

June 20, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 4, 1989, for the reappointment of Anthony Balducci, 506 Hickory Street, Peckville 18452, Lackawanna County, Twenty-second Senatorial District, as a member of the Board of Trustees of Scranton State School for the Deaf, to serve

until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

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

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

HOUSE BILLS FOR CONCURRENCE

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

June 19, 1989

HB 68 and **1335** — Committee on Urban Affairs and Housing.

HB 426, **431**, **1523** and **1524** — Committee on Banking and Insurance.

HB 1372 — Committee on Local Government.

HB 1378 — Committee on Community and Economic Development.

HB 1529 — Committee on Environmental Resources and Energy.

June 20, 1989

HB 215 — Committee on Consumer Protection and Professional Licensure.

HB 1556 — Committee on Judiciary.

HB 1573 — Committee on Labor and Industry.

HOUSE RESOLUTIONS FOR CONCURRENCE

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

June 19, 1989

House Concurrent Resolution No. 112 — Committee on Intergovernmental Affairs.

June 20, 1989

House Concurrent Resolution No. 118 — Committee on Intergovernmental Affairs.

House Concurrent Resolution No. 128 — Committee on Rules and Executive Nominations.

REPORTS FROM COMMITTEES

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

SB 473 (Pr. No. 497)

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), entitled "Public Official Compensation Law," providing compensation for the Secretary of Mental Health and Mental Retardation.

SB 474 (Pr. No. 498)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment, the operation and the powers and duties of the Department of Mental Health and Mental Retardation; transferring certain powers and duties of the Department of Public Welfare; and making repeals.

Senator SHUMAKER, from the Committee on Law and Justice, reported the following bill:

SB 815 (Pr. No. 1308) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," increasing membership of the Pennsylvania State Police; and providing for enlisted personnel.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for a temporary Capitol leave for Senator Lemmond.

Senator LINCOLN. Mr. President, I would ask for temporary Capitol leaves for Senator Andrezeski, Senator Dawida and Senator Regoli.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Lemmond. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski, Senator Dawida and Senator Regoli. The Chair hears no objection. The leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

HB 571 CALLED UP OUT OF ORDER

HB 571 (Pr. No. 1566) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 571 (Pr. No. 1566) — The Senate proceeded to consideration of the bill, entitled:

An Act designating February 16 of each year as "Lithuanian Independence Day."

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

Table listing names of Senators who voted 'Yeas' in four columns: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Brightbill, Corman, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Regoli, Reibman, Rhoades, Rocks, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams, Wilt.

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.

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR NOAH H. WENGER PRESENTED TO SENATE

Senator WENGER. Mr. President, it gives me great pleasure this afternoon to introduce to the Senate of Pennsylvania some very special guests. In fact, it is a family from my district, Mr. and Mrs. Norman Hahn and several of their sons and daughters-in-law. Norman and I were classmates in elementary school and it certainly was a pleasure to have him and his family visit our state Capitol today. I want to introduce Norman and Elizabeth Hahn and their son Kevin, daughter-in-law, Dawn Hahn, their son Anthony and his wife Carolyn, and also Marion Hahn, another daughter-in-law. In addition to the Hahn family, they have brought a special guest, Mr. Hao Huang, who is a native of Beijing, China. They are all in the gallery and we would like to extend to them a special welcome to the Senate of Pennsylvania.

The PRESIDENT. Would all of the guests of Senator Wenger please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

GUESTS OF SENATOR VINCENT J. FUMO PRESENTED TO SENATE

Senator FUMO. Mr. President, I rise also to make an introduction. We have with us today in the Senate the seventh and eighth grade students from the Nebinger School in Philadelphia, and with them are their teachers, Jim Benniducci and Mrs. Roebuck who is the wife of Representative Roebuck. I would like to ask the Senate to give them its warm welcome. They are right up here.

The PRESIDENT. Would the guests of Senator Fumo please rise so we could welcome you to the Senate Chamber.

(Applause.)

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I ask for a temporary Capitol leave for Senator Helfrick.

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Fattah.

The PRESIDENT. Senator Brightbill asks for a temporary Capitol leave for Senator Helfrick. Senator Mellow requests temporary Capitol leave for Senator Fattah. The Chair hears no objection. The leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

HB 570 (Pr. No. 1632) — 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 spousal privilege in evidence.

On the question,

Shall the bill pass finally?

Senator SCANLON. Mr. President, at least this week we are going to consider this bill at a time in the day during which, maybe, we can get some attention to it because I think it is important.

POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, I think the remarks that the gentleman from Allegheny, Senator Scanlon, wants to make on House Bill No. 570 are very, very important remarks on a bill that I think might have some major consequences on things that will take place in this state in the future, and I think it is very important that we have attention on the floor of the Senate so we can properly listen to the discussion of Senator Scanlon and then more appropriately debate the proposal.

The PRESIDENT. The gentleman is correct. Would the Senators please take their seats. Would those conducting conversations please take them off the floor of the Senate so we can proceed with the debate. The Chair thanks all the Senators and the gentleman may proceed.

Senator SCANLON. Mr. President, I would like to preface my remarks by assuring everybody that I am not a card-carrying member of the ACLU, which was bandied about recently, but I am a lawyer and I am very much concerned about what is happening in this country and in this state to the Bill of Rights and other basic privileges that have existed for hundreds of years. I have made speeches about the Bill of Rights and who wrote it and under what circumstances: a group of people who came to this country to escape prosecutors, to escape district attorneys, to escape self-incrimination, to escape the lack of freedom to worship and the lack of freedom of speech. They came to this country and they wrote a Constitution, the first ten amendments of which are commonly known as the Bill of Rights, in which the rights of all men are clearly set forth. I heard the gentleman from Lancaster, Senator Wenger, last week remark, "Thank God this is the United States of America," and I repeat it today. It has always been the law for hundreds of years and it is the law right now, except as otherwise provided in this subchapter, in a criminal proceeding husband and wife shall not be competent or permitted to testify against each other. There are exceptions when there has been spousal abuse or desertion or nonsupport or abuse of children. What does this bill do? This bill takes what has been an outright exclusion of evidence and converts it into a privilege, except as otherwise provided in this chapter. This is the proposal. In a criminal proceeding a person shall have the privilege, which he or she may waive, not to testify against his or her lawful spouse. This means that the nonoffending spouse can waive a right that has been inherent in the offending or potential defendant spouse because we are now calling it a privilege, and they can waive it. I made a statement last week that this was another example of the district attorneys in this state influencing judgment under the guise of law and order. After I made that statement, I, in fact, got a call from the District Attorneys Association of Pennsylvania who attempted to justify this by saying that in common law a wife was considered as a chattel of a husband and, therefore, she should not testify against him, which was ridiculous because this says "spouse." This does not talk about wives testifying against husbands. This talks about husbands and wives testifying against each other. His answer to that was, let us face it, most crimes are committed by husbands anyway. I do not know if that is true or not, but it is certainly no justification to permit wives to testify against them. How dangerous is this? What is the potential? What direction are we going in? What are we going to do next? Are we going to take the privilege that exists between a confessor and a penitent and say the confessor may now waive it and testify against the penitent? Law and order. Are we going to say that a doctor can waive the privilege that runs to his patient and testify against him? Law and order. Are we going

to say that an attorney can waive the privilege that runs to his client and testify against him? That is law and order. It might be, but it is dangerous. It is setting back American jurisprudence at least 250 years and it is dangerous. To further exacerbate the outrageousness of this bill, the bill is ex post facto. It not only applies to crimes that are committed in the future as the last sentence is, "This Act shall apply to all criminal cases pending on the effective date of the Act." If I ever read unconstitutional language in my life, that is it. This is important, four pages that some people might tell you are consistent with law and order, but, ladies and gentlemen, I consider this to be one of the most dangerous pieces of legislation, the most destructive to the family structure I have ever seen.

Senator FISHER. Mr. President, certainly my colleague and good friend from Allegheny County makes a persuasive argument in opposition to this bill. However, in articulating the facts, which he has, and certainly in arguing that this may be a step in the wrong direction in other areas of privilege, I think he has done a good job of, perhaps, confusing the real issue that is before the Senate this afternoon. What this bill does is it brings Pennsylvania in line with forty-nine other states that do not have an absolute incompetency provision among spouses. The only other state that maintains the competency standard which is similar to Pennsylvania is the State of South Dakota. What this bill would do is basically eliminate that, and except in the cases that are outlined in the bill—and I will get to those in a minute—it changes the incompetency standard to a privilege. It is a privilege that each and every spouse has. It is a privilege that, if they choose to elect, they would not have to testify, and it is a privilege that only they could waive. It is similar to the privilege between attorney and client, so in that regard it makes it consistent with the statutory law between attorneys and their clients. Only in four separate cases would there be no such privilege. Three of those cases are the law today. The new exception would be in any criminal proceeding in which one of the charges pending against the defendant includes murder, involuntary deviate sexual intercourse or rape. In that case we would be saying legislatively that there is, in fact, no privilege, that a spouse could be compelled to testify against another spouse if, in fact, one of those charges has been brought.

It is also interesting to note that of the remaining states in this nation, about twenty-five, or half of the states have eliminated the privilege altogether, and the other half of the states have retained at least the privilege. Pennsylvania, therefore, would be adopting rather than the incompetency standard, the privilege standard. We would be in line with at least half the states that have the stricter provision or the provision that would at least give a spouse in all but four sets of cases the right to choose on their own that they should not have to testify against their spouse.

As to the provision in the bill that Senator Scanlon refers to as a retroactive provision, I do not think that is any different than any other issue we would be dealing with on an evidentiary basis. This is an evidentiary issue. It is not the establish-

ment of a crime. If, in fact, we were creating a new crime or changing the elements of a crime, certainly we would not be able to adopt any legislation that would be ex post facto. But here we are dealing with an evidentiary issue, an evidentiary issue that would merely be applicable to all criminal cases pending on the effective date of this Act. I know of nothing statutorily or constitutionally which would prohibit us from saying that, nor do I see any reason why cases that are pending, if, in fact, this bill is passed, should not have the right to proceed under these new rules.

Mr. President, I think the passage of this legislation is needed. I think it brings us into line with the majority of the states in the country, and it will leave only one other state in the country, the State of South Dakota, that would have the absolute incompetency provision. I would urge an affirmative vote on House Bill No. 570.

Senator FUMO. Mr. President, I rise, too, to oppose the bill, along much of the same lines that the gentleman from Allegheny, Senator Scanlon, opposes it. I am not a person who thinks our arguments and our voices crying out in the wilderness today are going to change much. But I do want to be among those who someday will be able to come back to this Chamber and say I told you so. I do not relish that, but apparently that is the way we are going in our society today. There are going to be cases which district attorneys and prosecutors are going to lose in this country, not just because of incompetence and not just because they brought the wrong person to trial, but, yes, there are going to be cases that they are going to lose because of procedural issues that we in our society deem to be very important. That is as it should be. Everyone can very easily be horrified about the fact that you may, in fact, lose from time to time a murder case. I remember when I practiced criminal law and I watched the transition come through. I watched middle Americans outraged at the privilege against self-incrimination and how silly it was that the poor policeman's hands were tied because he had to give a defendant his warnings. Gee, maybe only because he forgot to give someone his warnings, they threw the confession out. How horrible that was for justice, and I watched that happen. But then I was fortunate enough to continue practicing law long enough to start to have those same middle Americans come to me now with their children as defendants. They were the first to tell me the policeman did not give him his rights. The policeman did not do this. I want my rights for my child. It is a sad state of events in any country where we have to wait for something to apply to ourselves personally before we get concerned about it. This country is a democracy. This country represents and respects the individual rights of people and that is what it is based upon. This is not China. It is not Russia. It never was meant to be. Those systems of government are far more efficient. What the dictator wants, the dictator gets. You do not have to play around with the Legislature.

I remember once, on a trip to Chile, where we rode by and they showed me where the Senate used to meet in Chile. They made a big joke about it. Yeah, they used to meet over there

but now we guard it because we threw the Senators out. They were getting in the way. Then I met some businessmen in Chile who bemoaned how horrible it was—and we see it every day—how they would go to the Legislature and ask for a bill to be introduced and everybody had the right concept, and by the time it went through the legislative process it came out exactly the opposite. How horrible that was. So now it is easy. They go see the dictator, and if they can sell him, they get what they want. That is not what America is about. That is what dictatorships are about. That is what authoritative forms of government are about.

We all have read that in China all of a sudden people are condemned to die. What has it been, a week since they decided to drive the students out of Tiananmen Square? All of a sudden people are condemned to die. They will probably start executing them next week when they need more TV coverage. In this country, granted, it would take us months to run through our legal process and we probably would not condemn people to die, but those are some of the trade-offs that you have in a democracy. That is part of the check and balance system. That is where, I am afraid, bills like House Bill No. 570 are now beginning to take us in a much different direction than our forefathers ever wanted us to be in. Remember the history of this country. It was founded because people escaped and wanted to escape the tyranny of the king in England, a governmental process that ran like House Bill No. 570, or anything else. Quick, they did not like what you did, you were gone. They came here, those people, for not only religious freedom but for freedom. They developed a system of government that was imperfect from the governmental efficiency side but it protected the rights of minorities. It protected the rights of every individual. Now we find we are frustrated with that a little bit in this modern age of TV coverage when we see a problem, and instantly every Legislator wants to run and be a hero back home and solve that problem without, very often, thinking about the ripple effect of the solution.

The spousal privilege was something deep-rooted in our history and in our culture. It is there for the protection of the family to prevent marital discord. Yes, there are horrendous situations where that privilege frustrates us, but for every one of those horrendous situations there are thousands upon thousands of times when if you change that system, you are going to wreak havoc on the marital relationship. So the question is, do we want to continue to be an imperfect, if you want to call it that, democracy or a more perfect authoritative form of government? Granted, as was said a long time ago, democracy is a very inefficient type of government, but there is nothing yet that has come along to replace it that is fair and equitable to all of the citizens. Please do not go down the law and order route of House Bill No. 570. Please do not do that because the ripple effects are not only going to be horrible for the people affected by House Bill No. 570, but by the direction you are taking. There are many people in here who want to protect the right to bear arms, I being one of them. Well, what do you think is going to happen as you start to walk

down this road? You will not have people getting killed with guns if you take away the guns. Hey, nifty idea. Let us go take away the guns. It works. It is not going to happen. But the people here are the same people who want to vote for this and want to get up and vote for that. I am probably unique in this Chamber in that I am a benefactor member of the National Rifle Association and a member of the ACLU, and I am not ashamed of either one of those associations. What all of them are looking for is to protect the rights of individuals. It is when you start to distort the scheme that you have ripple effects on both sides. Today you want to trample upon the marital right, tomorrow you will be trampling upon the right to bear arms, or God knows what else it will be. I do not think that is the way we should be going. This was never a privilege that went to the person who had to testify. It was always a right that went to the defendant, and that is where we ought to be. We believe people in this country are innocent until proven guilty, not guilty until proven innocent.

There is one last thing you should remember—and those of you who are trial lawyers should remember this—if you enact this, and it is now a privilege that can be waived, the jury is going to think, gee, why did not that person come in here to testify to protect the defendant? That is going to be in their minds too, even if they do not want to waive the privilege. You are creating a whole new dimension of this problem just by enacting this to solve one or two problems that may, in fact, be horrendous. You are throwing the baby out with the bath water again. Go ahead and do it. I just want these remarks to be on the record so that when we come back here some day and come back to our senses and recognize that everyone's rights are important, I will have been a great sage, or whatever you want to call those people who tell you those things in advance. Probably when it starts to affect some of the people in this Chamber or a lot of their constituents, we will come back. We do not have the courage to come back if it affects us, but when it affects enough of our constituents, we will run back.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate whether or not this bill has any impact upon confidential communications between spouses?

Senator FISHER. It does not, Mr. President.

Senator BRIGHTBILL. On page 2, line 17, there is a section dealing with that which is crossed out. Would the gentleman explain the impact of that?

Senator FISHER. Mr. President, it is my understanding that originally, when the bill was introduced, it would have changed Section 5914 that deals with confidential communications between spouses, but on third consideration in the House of Representatives those changes were deleted, and as a consequence, I believe the Legislative Reference Bureau, when they actually prepared the bill, crossed out all reference

to Section 5914. The bill in its current form, if passed, would retain the current law in Section 5914 exactly as it is written.

Senator SCANLON. Mr. President, I would like to respond to that. We now have a situation where if a husband goes out or a spouse goes out and murders A and comes home to the spouse and says, I just murdered A, that is a confidential communication and he or she cannot testify to that. The situation is, if, however, the spouse goes along with the spouse and sees A get murdered, they can testify to that. You know, I think that is ridiculous. Just merely excluding communications between spouses does not take away the sting of the disruption in family life that this legislation has. To bring that up as an issue between two former district attorneys really makes me want to laugh.

And the question recurring,
Shall the bill pass finally?

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

Senator WILLIAMS. 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—35

Afflerbach	Fisher	Mellow	Shaffer
Andrezski	Greenleaf	O'Pake	Shumaker
Armstrong	Greenwood	Pecora	Stapleton
Baker	Hess	Peterson	Stewart
Bell	Hopper	Punt	Tilghman
Brightbill	Jubelirer	Regoli	Wenger
Corman	Lemmond	Reibman	Williams
Dawida	Loeper	Rhoades	Wilt
Fattah	Madigan	Rocks	

NAYS—14

Belan	Jones	Musto	Salvatore
Fumo	Lewis	Porterfield	Scanlon
Helfrick	Lincoln	Ross	Stout
Holl	Lynch		

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.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lemmond. His temporary Capitol leave will be cancelled. Also, Senator Andrezski, his temporary Capitol leave will be cancelled.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Finance to meet immediately upon the declaration of a recess for a

caucus in the Rules room to consider Senate Bills No. 258, 403, 854, 809, 929, 625 and 626. Also, the Committee on Rules and Executive Nominations to meet off the floor during the Session to consider certain nominations.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate, first for the reconvening of the meeting of the Committee on Finance at the rear of the Senate Chamber in the Rules room, and then for the purpose of a Republican caucus to begin at approximately 2:45 p.m. in the Majority caucus room on the first floor, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator MELLOW. Mr. President, I would also request a Democratic caucus to take place immediately following the meeting of the Committee on Finance.

The PRESIDENT. For the purpose of a meeting of the Committee on Finance to begin immediately in the room at the rear of the Chamber to be followed by a Republican and Democratic caucus, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

SB 335 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 971 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 123 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 210 (Pr. No. 236) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the lake at Little Buffalo State Park, Perry County, as Holman Lake.

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

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.

SB 254 (Pr. No. 261) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the employment and duties of the business administrator.

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

NAYS—0

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

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

SB 340 (Pr. No. 1301) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for computer recorder message calls.

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—49

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

NAYS—0

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

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

BILL LAID ON THE TABLE

SB 364 (Pr. No. 1302) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including enforcement officers and investigators in the Office of Attorney General and parole agents and parole warrant officers of the Board of Probation and Parole within the definition of "enforcement officer" for retirement purposes.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Dawida and his temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 369 and 405 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER TEMPORARILY

SB 515, 516, 517, 518, 519 and 520 — Without objection, the bills were passed over in their order temporarily at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 566 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Porterfield and Senator Stapleton.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Porterfield and Senator Stapleton. The Chair hears no objection. Those leaves will be granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 617 (Pr. No. 659) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for participation of parent, guardian or other custodian in treatment program.

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

NAYS—0

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

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

SB 618 (Pr. No. 660) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a cause of action by parent, guardian or other custodian of a child to whom controlled substances have been sold or transferred.

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

NAYS—0

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

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

BILL REREFERRED

SB 620 (Pr. No. 1232) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for the power to parole; and making a repeal.

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

BILL OVER IN ORDER

SB 623 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 624 (Pr. No. 1237) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further defining "drug paraphernalia"; and further providing for prohibited acts and penalties.

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—49

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

NAYS—0

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

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

SB 640 (Pr. No. 1305) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Environmental Resources to acquire and develop abandoned railroad rights-of-way for public recreational trail use; requiring the Department of Transportation to coordinate certain acquisitions of rights-of-way with the Department of Environmental Resources; providing a limitation on the liability of persons who provide property for public recreational trail use; and making an appropriation.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, Senate Bill No. 640 concerns something that I think is a very important issue. I really have very little problem with the bill itself in that it is setting up a process for more reasonably going through the procedures of getting one of these rails-to-trails in your districts. Now I am in the process of going through that in my area between Ohio Pyle State Park and the City of Connelville. The thing that offends me about this bill is the appropriation, and I do not see any reason for the appropriation being attached to this bill. It is something that we ought to be dealing with in the budget process. These are the kinds of issues that become more serious in June when we are dealing with the budget, when we can actually see how much of the General Fund can be whittled away with a bill like this. Plus, it does not make any sense because there are going to be decisions made on where these rails-to-trails are going to end up being, and they are capital projects. There can be other ways of funding them throughout the budget. Because of the \$3 million appropriation, I would ask for a negative vote on Senate Bill No. 640.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—27

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

NAYS—22

Afflerbach	Jones	O'Pake	Scanlon
Andrezski	Lewis	Porterfield	Stapleton
Belan	Lincoln	Regoli	Stewart
Corman	Lynch	Reibman	Stout
Fattah	Mellow	Ross	Williams
Fumo	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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lemmond and his temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 730 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 872 (Pr. No. 993) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), entitled "Board and Commission Compensation Law," removing from the act the salaries of the Chairman and members of the Unemployment Compensation Board of Review; and making a repeal.

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	Greenwood	Madigan	Ross
Andrezski	Helfrick	Mellow	Salvatore
Armstrong	Hess	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bell	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	Lemmond	Punt	Stout

Dawida	Lewis	Regoli	Tilghman
Fattah	Lincoln	Reibman	Wenger
Fisher	Loeper	Rhoades	Williams
Fumo	Lynch	Rocks	Wilt
Greenleaf			

NAYS—0

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

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

BILLS OVER IN ORDER

SB 935, 959 and 963 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 967 (Pr. No. 1171) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Environmental Resources to defend, indemnify and hold harmless the Consolidated Rail Corporation in actions arising under the acceptance of a certain railroad line.

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, would the prime sponsor of Senate Bill No. 967, the gentleman from Bradford, Senator Madigan, submit to a very brief interrogation?

The PRESIDENT. Will the gentleman from Bradford, Senator Madigan, consent to a brief interrogation?

Senator MADIGAN. I will, Mr. President.

Senator LINCOLN. Mr. President, in Senate Bill No. 967, which deals also with rails-to-trails, is there an appropriation attached to this bill?

Senator MADIGAN. Mr. President, no, there is not. It strictly addresses the liability situation with the state and Conrail and has been negotiated with DER and Conrail and has their approval on the Pine Creek rails-to-trails, which is already underway by the Department of Environmental Resources.

Senator LINCOLN. Mr. President, I believe that this is the manner in which these types of efforts should be handled. I think there is legislative need for bringing about the kind of legal questions and answering the legal questions and putting everything in place as Senate Bill No. 967 does in this case. I believe that the appropriating power should remain as it is, separate and apart from the legislation, and I would support this effort and ask for a positive vote on this bill.

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 970 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND REREFERRED

SB 972 (Pr. No. 1118) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Province of Taiwan, Republic of China, as a "sister state."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, would the prime sponsor of Senate Bill No. 972, the gentleman from Chester, Senator Baker, give the Body a brief explanation as to the purpose and the final result of Senate Bill No. 972?

The PRESIDENT. Will the gentleman from Chester, Senator Baker, permit himself to be interrogated?

Senator BAKER. I will, Mr. President. There are thirty-one other states that have established sister state relationships with the Province of Taiwan in the Republic of China. There are certain benefits that will accrue to Pennsylvania industries from establishing this relationship, and I think it would be very advisable to establish the relationship.

Senator LINCOLN. Mr. President, part of the bill reads, on page 2, lines 1 through 4, that we will direct the Department of Commerce to establish a trade office in the Province of Taiwan, Republic of China, for the purpose of whatever... Does the gentleman have any idea what the cost of that particular part of the bill would be, and is there and has there been a fiscal note established for this particular part of the bill?

Senator BAKER. Mr. President, the answer to that is no. The establishment of representation should be able to be done within the current state program. It was not my intent to require additional costs. The advantages that will accrue to the state include certain incentives that the Province of

Taiwan provides in establishing such a representation. In addition, particularly in agricultural products, I have found from inquiring to other states that this sister state relationship has been beneficial in having markets opened to us and our products. Of course, for Pennsylvania, as a leading agricultural state, this would be very much in our interest.

Senator LINCOLN. Mr. President, with or without Senate Bill No. 972, can the Department of Commerce establish an office at this particular time in the Republic of China in Taiwan?

Senator BAKER. Mr. President, I would think that the answer to that would be yes.

Senator LINCOLN. Mr. President, has the gentleman at all worked with Secretary Christman or anyone else from the Department of Commerce on this particular issue?

Senator BAKER. Mr. President, yes. In fact, this Body previously passed a resolution which took a very similar action, I believe, two years ago. The nature of that particular resolution expired with the life of that General Assembly, and part of what I found out in pursuing this from the Department of Commerce is that this would be a permanent relationship. I do not think they have any objection to it.

Senator LEWIS. Mr. President, the subject of promoting trade by the Commonwealth of Pennsylvania in the Far East is an item that has been of special concern to me across the last few years and one in which I have had many opportunities to discuss the promotion and the expansion of relationships with representatives from the Department of Commerce. It is on the basis of that that I think, while the gentleman's intentions are well placed, a directive that would find its way into the statutory law of this Commonwealth may not be the wisest way to go. I say that because one of the debates at this point is what kind of trade relationships to try to establish and where to establish them. Although many opportunities exist with regard to Taiwan, there are, in the minds of some, equal or greater opportunities that could be promoted by establishing trade offices in Seoul, Hong Kong, Bangkok or in Tokyo, for that matter. I think the gentleman would agree that it would be impractical to attempt to establish offices in all of those areas. While I am sure we can agree that we do need a permanent active office somewhere in the Far East, really for this General Assembly to try to make a directive as to the location for that office, I think would be premature and unwise. For that reason I think it is inappropriate for us to move this legislation forward, and I would urge a negative vote.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator BAKER. Mr. President, certain questions have been raised about the possibility of a fiscal note, and in deference to that question, I will move to rerefer this to the Committee on Appropriations.

The PRESIDENT. Without objection, Senate Bill No. 972 will be rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 1025 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 621 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 729 (Pr. No. 1294) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), entitled "Forest Reserves Municipal Financial Relief Law," increasing the amount paid by the Commonwealth.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 842 (Pr. No. 1295) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," further regulating equalization aid to libraries.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 1009 (Pr. No. 1297) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 520, No. 105), entitled "Business Infrastructure Development Act," extending provisions relating to termination; and further providing for funding.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 1011 (Pr. No. 1298) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 568, No. 113), entitled "Employee-Ownership Assistance Program Act," extending provisions relating to final date for approvals; and further providing for funding.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 615 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILLS
ON SECOND CONSIDERATION

SB 1002 (Pr. No. 1164) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations required from The State Stores Fund for the fiscal year July 1, 1989, to June 30, 1990, for the proper operation of the Pennsylvania State Police authorized to spend The State Stores Fund moneys.

Considered the second time and agreed to,

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

SB 1033 (Pr. No. 1205) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce; and providing for the initial assessment.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 34 and **HB 52** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 53 (Pr. No. 2107) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Chancellor of the State System of Higher Education, to convey to Pocono Medical Center a certain tract of land situate in the Borough of East Stroudsburg, Monroe County, in exchange for a certain monetary consideration and a certain tract of land; and authorizing the Department of General Services, with the approval of the Department of Environmental Resources, to supplement and amend a lease between the Commonwealth and the City of Philadelphia, authorized pursuant to the act of December 9, 1980 (P. L. 1133, No. 201), subject to certain conditions, in the fifth ward of the City of Philadelphia.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 121, **SB 312** and **HB 331** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 338 (Pr. No. 373) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), known as "The Liquid Fuels Tax Act," further providing for acceptable security in lieu of surety bonds.

Considered the second time and agreed to,

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

SB 373 (Pr. No. 386) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring agencies to notify municipalities when a lease of a building or use of a building located in the municipality is to be terminated.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 439 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 485 (Pr. No. 509) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, further providing for expedited approval of rate relief.

Considered the second time and agreed to,

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

SB 486 (Pr. No. 510) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," further providing for expedited approval of rate relief.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 506, **514**, **SB 588** and **682** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 732 (Pr. No. 1151) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the information to be provided by signers of nomination petitions.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator DAWIDA offered the following amendment No. A1893:

Amend Title, page 1, line 12, by removing the period after "petitions" and inserting: ; and further prohibiting certain election day activities.

Amend Bill, page 4, by inserting between lines 9 and 10:

The act is amended by adding a section to read:

Section 1829.1. Election Day Prohibitions.—(a) A person may not display campaign material, post signs, ask, solicit or in any manner try to induce or persuade a voter within a polling place or within one hundred (100) feet of the building in which a polling place is situated on primary, general or special election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons or other political insignia to be worn at or about the polling place on the day of a primary, general or special election. A political badge, political button or other political insignia may not be worn at or about the polling place on primary, general or special election day.

(b) A person may not broadcast, circulate or distribute campaign material, or cause campaign material to be broadcast, circulated or distributed, on the day of a primary, general or special election.

(c) A person transporting a voter to or from the polling place may not ask, solicit or in any manner try to induce or persuade a voter on primary, general or special election day to vote or refrain from voting for a candidate or ballot question.

(d) Any violation of this section is a misdemeanor of the third degree.

Amend Sec. 3, page 4, line 10, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

Senator DAWIDA. Mr. President, this is a relatively non-controversial subject and certainly one that has not anything to do with partisan politics. It essentially outlaws electioneering on election day. It is modeled after the state law of Minnesota, which I personally witnessed fifteen years ago when I was a law student, where I had the wonderful experience of going to the polls and not having fifteen people badgering me with cards. In Pittsburgh recently, we have come to the point where people pass out assorted goodies. Thousands of dollars are spent, I think in a very improper way. Essentially, it is my opinion that elections are decided in advance, and on election day people ought to go out and vote. I think many people are not going to vote because they feel they are being harassed at the polls. In Minnesota this has worked effectively, without any problems from either the Republican or the Democratic Parties there. Election day is for people to go and vote, and that is what this suggests. I urge an affirmative vote on this amendment.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Dawida.

The PRESIDENT. Will the gentleman from Allegheny, Senator Dawida, permit himself to be interrogated?

Senator DAWIDA. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate whether or not this, in a bill form, has been offered before by himself?

Senator DAWIDA. Actually, Mr. President, I cosponsored an amendment on the House floor a number of years ago with a Republican Representative from Erie, Harry Bowser.

Senator BRIGHTBILL. Mr. President, did that amendment succeed?

Senator DAWIDA. No, Mr. President, it did not. People were not as enlightened at that time.

Senator BRIGHTBILL. Thank you, Mr. President. I was just interested to see whether or not he waited until he got to the Senate to offer this amendment.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Jones and Senator Regoli.

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—3

Dawida	Mellow	Stewart
NAYS—46		

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

BILLS OVER IN ORDER

SB 764, 775 and 899 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 916 (Pr. No. 1299) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for grants by the Secretary of Community Affairs to promote social services for Pennsylvania's ethnic and multicultural communities and to insure that ethnic groups are not discriminated against or prohibited from receiving services because of language barriers, cultural obstacles, lack of education or lack of accessibility to government-related or public social programs; and making an appropriation.

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

BILLS OVER IN ORDER

SB 917, 961, 968 and 1010 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 1055 (Pr. No. 1246) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania Emergency Management Agency to establish a radiological emergency response planning and preparedness program; and providing for the funding of the program.

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

BILL OVER IN ORDER TEMPORARILY

SB 1093 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

SB 515 CALLED UP

SB 515 (Pr. No. 539) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 515 (Pr. No. 539) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator SHAFFER. Mr. President, I rise today and ask for the Senate's approval and, hopefully, unanimous support for Senate Bill No. 515 as well as Senate Bills No. 516, 517, 518, 519 and 520. They are the bills that have been, in shorthand fashion, labeled the export trade bills. Today we are voting on these several bills, Mr. President, which are intended to help stimulate an increase in Pennsylvania exports and to create and retain jobs, particularly among small Pennsylvania manufacturing companies. Recent national and international economic events have focused attention on the subject of international trade.

Last year, for example, the Senate Committee on Community and Economic Development, of which I am the Chairman, held a hearing on the subject of international trade. We asked representatives from the Pennsylvania Department of Commerce, the Governor's Task Force on International Trade, the Pennsylvania Chamber of Commerce and Industry and the American Legislative Exchange Council as well as an economics professor from Villanova University to offer testi-

mony before us. These witnesses, Mr. President, responded to these basic questions: What is the Commonwealth of Pennsylvania presently doing to promote exports? What specifically does Governor Casey plan to do to increase exports of Pennsylvania-made goods? What programs have other states used to increase exports? How is the federal government assisting exporters? What should Pennsylvania state government be doing to promote international trade?

I made and the committee made, Mr. President, several basic conclusions from the testimony presented at the hearing. The first conclusion is that Governor Casey appears to be emphasizing reverse foreign investment at the expense of trade promotion activities. That is to say the Pennsylvania Department of Commerce has its major emphasis on attracting foreign companies from foreign countries into Pennsylvania to do manufacturing rather than emphasizing exporting goods manufactured in Pennsylvania by locally-owned companies to foreign shores.

Second, Mr. President, affordable export financing is crucial if small companies are to begin exporting.

Third, international trade fairs and trade shows are an effective way for companies in Pennsylvania to generate overseas sales leads.

Fourth, the export assistance loan portion of the Capital Loan Fund has been ineffective to date.

Finally, Mr. President, the rewards are substantial enough that government should share in the risk of developing foreign markets.

The bills which we are considering today and which we are voting for respond, I believe, to these heretofore observations and are designed to encourage small companies in Pennsylvania to begin exporting.

Very briefly, Mr. President, these bills will establish the following:

Shared Foreign Sales Corporation, typically known in the trade as FSCs, enable small to medium-sized companies to qualify for a 15 percent federal tax exemption, which is available at the federal level, and for an exemption from state corporate income tax on their export profits up to a \$500,000 maximum.

Second, the Capital Loan Fund amendments, Mr. President, reestablish exporting assistance loans to an amount of \$200,000. They exempt qualifying exporters from certain job creation requirements and increase export loan guarantees to \$500,000.

The Pennsylvania International Trade Council would be established to advise the Governor and the General Assembly on international trade matters.

The Export Incentive Fund, EIF for short, provides state funding to be matched by manufacturers and others to develop foreign markets for their products.

The Trade Fair Assistance Program awards state matching grants to companies for certain expenses related to attendance at international trade fairs and trade shows.

The Export Development Matching Grant Program, the last of these bills, Mr. President, provides state funding to be

matched by local economic development corporations for export development activities.

The Pennsylvania Commerce Department will be empowered by these various bills to establish regulations and to implement and oversee these new programs.

Many may wonder if the state government of Pennsylvania should be involved in the promotion of international trade. Is not the federal government better equipped to handle this task? What can the state hope to gain by increasing exports? These legitimate questions deserve answers.

By expanding markets abroad, demand for Pennsylvania products will increase and new jobs will be created. The United States Department of Commerce estimates that for every \$1 billion in foreign exports, 25,000 domestic jobs are created and \$17 million in state and local tax revenues are raised. To me this is plenty of incentive for state government to become involved in stimulating international trade.

The federal government, due to budget constraints, is looking to the states more and more in a cooperative spirit to encourage small business export expansion. Currently, most federal export programs are directed at large exporters. In the meantime, Pennsylvania has great potential for expanded international trade. While Pennsylvania has about 17,000 manufacturers, only approximately 2,000 of these companies currently are involved in exporting their products beyond the shores of this country, and only 1,200 of these companies are active exporters at all. State government should encourage more exporting by Pennsylvania firms for the benefit of the Commonwealth as well as the good of our nation.

If exporting is such a great deal, you may ask, why are more companies not sending their goods abroad? There appear to be several reasons. First, export transactions require more business risks than domestic deals due to fluctuations in overseas currencies, possible political instability and shipping costs. Secondly, exporting requires a great deal of money to make the sale, to finance the export transactions and to gear up production to fulfill the order. Third, Mr. President, affordable financing is limited because many financial institutions have been burned by bad loans to developing nations. Fourth, international trade is more complicated than most business transactions due to various government regulations and overseas foreign legal considerations. Lastly, export transactions are generally very time consuming. It is exactly these problems that I hope to alleviate with this package of legislation.

Today all fifty states have economic development programs to help companies begin exporting. Pennsylvania has been one of the more active states in the promotion of exports and foreign investment. However, it is my belief that the Department of Commerce could and should continue to move forward with its trade promotion activities, and the bills I am proposing today will allow them to do so.

There has been substantial interest in this package of bills, Mr. President, since they were originally introduced almost three years ago. Many individual companies in this state and beyond the borders of Pennsylvania have expressed great

interest in the bills, as well as here at home, the Capital Region Export Development Program, Southwest Pennsylvania Regional Planning & Development Commission. An interest has been expressed by the Pennsylvania Economic Development Association which is comprised of local economic development groups from across this state.

Despite the interest and support of these many groups and individuals, the Casey Administration has not seen fit to date to lend its support to these initiatives. I cannot imagine why support has not been forthcoming on legislation that will indeed encourage Pennsylvanians to participate in one of the largest untapped areas of the economy, exporting Pennsylvania products to the entire world market. Many changes in the world market are now taking place, including the removal of certain trade barriers among the Common Market nations. If we do not become a leader in this area, we will be relegated to the role of a follower with many missed opportunities.

How much will it cost to implement this legislation? I have requested \$640,000 in state appropriations to initiate these six bills. I realize this is indeed a modest approach to a serious problem. However, I believe that the private sector is more than willing to carry the ball in this area. The state's role is to simply act as a catalyst to assist small and medium-sized manufacturing companies in starting export activities. Furthermore, we have to learn to walk before we can run.

I thank you for your attention, Mr. President, and the attention of the other Members, and I urge an affirmative vote on each of these bills. Thank you for your indulgence.

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

NAYS—0

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

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

SB 516 CALLED UP

SB 516 (Pr. No. 540) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 516 (Pr. No. 540) — The Senate proceeded to consideration of the bill, entitled:

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

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

NAYS—0

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

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

SB 517 CALLED UP

SB 517 (Pr. No. 541) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 517 (Pr. No. 541) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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	Greenwood	Madigan	Ross
Andrezeski	Helfrick	Mellow	Salvatore
Armstrong	Hess	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bell	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	Lemmond	Punt	Stout
Dawida	Lewis	Regoli	Tilghman

Fattah	Lincoln	Reibman	Wenger
Fisher	Loeper	Rhoades	Williams
Fumo	Lynch	Rocks	Wilt
Greenleaf			

NAYS—0

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

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

SB 518 CALLED UP

SB 518 (Pr. No. 1303) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 518 (Pr. No. 1303) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

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—49

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

NAYS—0

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

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

SB 519 CALLED UP

SB 519 (Pr. No. 1304) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 519 (Pr. No. 1304) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," adding a definition and further defining "small business enterprise"; and further providing for loan eligibility, terms, conditions, applications and administration.

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—49

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

NAYS—0

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

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

SB 520 CALLED UP

SB 520 (Pr. No. 544) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 520 (Pr. No. 544) — The Senate proceeded to consideration of the bill, entitled:

An Act providing matching grants to public or private regional entities to promote exports; and making an appropriation.

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

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator Williams.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Williams and Senator Andrezeski. The Chair hears no objection. The leaves will be granted.

Senator BRIGHTBILL. Mr. President, I ask for a temporary Capitol leave for Senator Armstrong who has been called to his office.

The PRESIDENT. Senator Brightbill requests temporary Capitol leave for Senator Armstrong. The Chair hears no objection. That leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SB 335 CALLED UP

SB 335 (Pr. No. 1291) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

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

SB 335 (Pr. No. 1291) — The Senate proceeded to consideration of the bill, entitled:

An Act imposing limitations on the use of eminent domain by municipalities and authorities to obtain certain real estate or facilities; and making repeals.

Considered the third time,

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

BRIGHTBILL-O'PAKE AMENDMENT

Senator BRIGHTBILL, on behalf of himself and Senator O'PAKE, by unanimous consent, offered the following amendment No. A1981:

Amend Sec. 4, page 2, line 23, by striking out "(A) GENERAL LIMITATIONS.—"

Amend Sec. 4, page 3, line 18, by inserting after "FACILITY": or within 90 days after the effective date of this act, or whichever comes later

Amend Sec. 4, page 4, lines 11 through 16, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator BRIGHTBILL. Mr. President, I offer this amendment on behalf of the gentleman from Berks, Senator O'Pake, and myself. Senate Bill No. 335 as it is presently structured would prohibit a municipality or an authority of a municipality from going into another municipality and condemning land for a solid waste project such as a landfill. Senate Bill No. 335, Printer's No. 1291, presently has a specific limitation in it, and what this limitation does is prohibit the act from interfering with any condemnation undertaking in conjunction with the expansion of an existing municipal waste landfill owned and operated by an authority that meets certain requirements. Mr. President, what this amendment then does is strip out that special limitation. That limitation is a grandfather clause, and what it does is it grandfathers in the Colebrookdale landfill, which is owned and operated by the Delaware County Authority. I would ask for an affirmative vote on this amendment.

Senator O'PAKE. Mr. President, I, too, urge an affirmative vote on this amendment. The reason this amendment is needed is that without the amendment this is the only county in Pennsylvania that would be fair game for another county to condemn, seize, take private property for a landfill. It is very important that every county in Pennsylvania be treated fairly. There is absolutely no reason to allow a grandfather clause to perpetuate forever the right of Delaware County to come in and take beautiful farmland to put in a dump and to expand that dump. It is absolutely unconscionable and unfair to allow Delaware County to continue to condemn, to seize, to take private property to expand a dump which it had purchased several years ago. I would ask, Mr. President, each of my colleagues, how would you like to have your home and your property condemned by another county so it could get rid of its trash and its garbage in your backyard? That is the situation that my constituents have had to live with. It is not only the environmental concerns of a dump and exactly what is being hauled and deposited in that dump, it is the traffic, 300 or 400 trucks a day, barreling over small rural roads, through small towns, near schools. It is, as I say, absolutely unconscionable and unfair. All I am asking for is the same treatment for the people of Berks County as the rest of the people in Pennsylvania will be getting if this bill passes. I note, Mr. President, that in March this bill was referred to the Senate Committee on Appropriations, and a funny thing happened to it in the Senate Committee on Appropriations. I argued at that time that there was no fiscal impact on the Commonwealth of Pennsylvania, and it took the Senate Committee on Appropriations three months and a week to reach that same conclusion. Fine. But in the process, what they did was to

grandfather in an existing landfill which, by the way, started out as a small fifty-nine acre mom and pop kind of operation in rural Berks County. It was sold to Delaware County, and since that time Delaware County has expanded it by thirty-one acres, seizing thirty-one acres of prime agricultural land within sight of a beautiful historic district, Oley Township. That was the first expansion. A fifty-nine acre local landfill became a ninety acre landfill by condemning land and taking that farmland against the wishes of the people who live there. Now they are in the process of condemning an additional 213 acres. Condemning, not negotiating or seeing if the person wanted to sell the land, but actually using the heavy-handed power of the state to take private property to dump another county's trash. Whatever became of the concept that every man's home is his castle, that he has the right to do with his land what he wants and that we had to protect that individual against the encroachment and the power, the omnipotent power, of the state? This bill attempts to speak to that question. Unfortunately, unless the Brightbill amendment is adopted, Berks County will continue to be dumped on. As I said, I think that is totally unfair. Not one of you would want to come from a county, Delaware or Philadelphia, or wherever, which was able to condemn, and I emphasize that over and over again. This is not free enterprise, this is not negotiating for the purchase of land, this is the heavy-handed power of one county to condemn, to seize, to take private property so that county can avoid the political problem of where to put that garbage or trash within its own county. Last year this Legislature, after months of debate and compromise, agreed on Act 101. Primary at the heart of Act 101 is the notion that counties should be able to control within their own county and make plans for disposing of their solid waste. This flies in the face of that, and unless we adopt the Brightbill amendment and protect the people of Berks County, we are going to have the unfairness, the unconscionability continue, at least as it relates to the Colebrookdale landfill. Where will it end? It was at thirty-one acres first, now it is 213 more acres. Again, this is beautiful farmland. This is close to a historic district, this is in an area that is not equipped in any way with its infrastructure to handle all these big dump trucks coming up from Delaware County to dump Delaware County's trash.

If you agree with the basic premise of this bill, that we have to stop this power of eminent domain from further encroaching on the rights of individual homeowners and landowners and property owners, then I hope you would agree with Senator Brightbill and myself that what is fair for the rest of Pennsylvania is fair for the people of Berks County because next time it might be you.

Senator LOEPER. Mr. President, before we have the opportunity to vote on the Brightbill amendment, I think it is important to set some parameters and set the issue in perspective of exactly what we are voting on. I think the gentleman from Berks made some inaccurate statements that I would like the record to reflect a correction to. I think it is important, Mr. President, maybe to take a little bit of a look at the history of the landfill that exists in Colebrookdale. This was

purchased by Delaware County in 1985 for a sum total of \$36 million. I might indicate once again, Mr. President, it was an existing landfill. It was not some new land that a county came in and condemned, or a solid waste authority. It was an existing landfill that was up for sale. At that time, Mr. President, Berks County had the opportunity to purchase that landfill, but they in their wisdom at that time determined not to do that. I might also indicate that since the purchase of that facility by the Delaware County Solid Waste Authority, there have been additional discussions with Berks County as far as purchasing landfill space there for themselves to try to deal with their solid waste problem. I think that Delaware County certainly should not be penalized for being a leader in solid waste planning. They were one of the first counties to have their solid waste plan adopted. They have currently a trash-to-steam plant under construction, which is scheduled to open in 1991. I think when we listen to the gentleman from Berks talk about the beautiful farmland and condemnations, I think with few exceptions the power of condemnation has not been used. The solid waste authority has been purchasing properties at a rate higher than fair market value in that particular situation. I think in addition to that, it is important to note, Mr. President, that Delaware County has made offers to Berks County to assist with their solid waste stream and those offers have been rejected by the county. In addition to that, prior to the passage of Act 101 last year, Delaware County had a host municipality agreement with Earl Township and remitted them over \$80,000 a year. However, under Act 101 and since its inception, Earl Township is now receiving a per-ton fee for the solid waste that is moved into Colebrookdale. Mr. President, it is important to note that every possible attempt has been made by Delaware County to reduce our waste stream that goes to Colebrookdale. In addition, the expansion of the landfill, to some degree, is mandated by the conformity to Act 101 and primarily with the regulations of DER in creating the buffer zone that is necessary surrounding that. I believe that the amendment that was offered yesterday in the Committee on Appropriations to bring this landfill in conformance with Act 101 is a very appropriate amendment. Mr. President, I would ask for a negative vote on the Brightbill amendment.

Senator BRIGHTBILL. Mr. President, in listening to the gentleman from Delaware, my mind went back to the movie *The Godfather* where people made offers that someone else could not resist. I guess when you are standing there with the threat of eminent domain pointed directly, kind of focused between your eyes, you certainly do negotiate. Maybe you get a little bit higher price, but I do not think that constitutes negotiation the way I understand it.

Mr. President, the situation as the gentleman from Berks, Senator O'Pake, characterized it is indeed accurate. It is unfortunate that we find ourselves in a situation where one county, for its own convenience, was able to purchase its way initially into another county and now, using the force of law of eminent domain, is able to attempt to expand its operations, perhaps eternally. I ask for an affirmative vote.

Senator O'PAKE. Mr. President, there was nothing I said that was inaccurate. I pointed out, Mr. President, that the land was initially purchased, but the land was initially a very small fifty-nine acre dump. I certainly cannot get into the minds of the Berks County Commissioners as to why they did not want to use that dump. Perhaps they decided that with the residents of that area this was not the place to expand a dump. The fact is that an additional thirty-one acres were condemned, not purchased at an arms-length transaction, and that is done. We cannot undo that.

What is now pending is the condemnation of 213 more acres, not at an arms-length purchase. We are not trying to interfere with free enterprise. All we are saying is, do not give the heavy hand of a government the additional power against which there is no defense of condemnation or eminent domain. So part of the problem, very frankly, is that as the dump gets larger, the arrogance of the owners gets worse. They were just fined by DER \$72,000 for dumping 40,000 tons of trash in a twenty-foot high mound in an unpermitted area. They were caught that time. The violations go on and on, and I respectfully suggest that if this was anyone other than Delaware County, with the power that they have here on the floor, this would not be allowed to go on. We can take your growth, Mr. President. We can take your rhetoric, but we do not have to take your garbage. I ask for an affirmative vote on this amendment.

Senator FUMO. Mr. President, my objective is not to prolong this debate. However, I intend to vote "no" on the amendment and repeat here what I have said before in prior years. What we are seeing now is the problem expanding. For a long, long time trash was Philadelphia's problem and nobody cared about it, as they do not care about many of Philadelphia's problems. Now we see the problem expanding. It is now Delaware County's problem. It is also the problem of many municipalities. I think this range war is going to continue until we all stop and decide to become realistic about the problem and view it as a Pennsylvania problem rather than a county problem. The only way we are going to do that is for the state to take over the disposal of solid waste, for the state to make decisions on what it is going to do about solid waste for every community. Maybe the state should be running landfills and maybe if the state was running the landfill, they would not be eating up farmland in Berks County. But, we have to recognize that we have solid waste. We have to recognize that we have to get rid of solid waste. These range wars are not good for anyone, but they are going to continue as long as we all take this parochial view that until the problem affects me, I do not care. We had better start acting more as the Senate of Pennsylvania worried about Pennsylvania than as the representative of a certain county worrying about his own county. I do not say that to chastise the gentleman from Berks, Senator O'Pake, and the gentleman from Lebanon, Senator Brightbill, because I recognize what they are up against. I say that as a plea to all of us to sit down and reasonably start to look at what we are going to do about this problem before it spreads past Delaware County. I fully antic-

ipate that unless we do that, in another few years other Senators are going to be taking the floor, worried about their communities. We cannot stop New Jersey from dumping in Pennsylvania because it is interstate commerce, but yet we can continue range wars among ourselves to prevent Philadelphia's trash from coming here, Delaware County's trash from going there and Lackawanna's trash from going there. It is time, Mr. President, for the Commonwealth of Pennsylvania to view solid waste disposal within its borders as a state problem and develop a state process to take all of the trash and figure out where we are going to put it. So, with that in mind, Mr. President, I regretfully have to vote "no" on this amendment because we have to keep landfill capacity as great as we can.

The PRESIDENT. Is there an objection to Senator O'Pake speaking again on this issue?

Senator BELL. I object, Mr. President.

The PRESIDENT. Senator Bell objects to the further discourse on the subject, Senator O'Pake.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Berks, Senator O'Pake.

The PRESIDENT. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator MELLOW. Mr. President, can Senator O'Pake further share with us what his concerns are, not only about Senate Bill No. 335 as it is, but also about the amendment that has been submitted now on behalf of both Senator O'Pake and Senator Brightbill?

Senator O'PAKE. Mr. President, all I wanted to say is that it is very easy for the Senator from Philadelphia to get up and say those things. One thing he has conveniently overlooked in using the New Jersey analogy is that there is no way that New Jersey can condemn land in Pennsylvania to dump its trash. That is all we are arguing against, the ability of a government outside that county to come in and condemn and seize and take land. That is what this is all about.

LEGISLATIVE LEAVE

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

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

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

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

YEAS—22

Afflerbach	Holl	Pecora	Scanlon
Andrezski	Lewis	Porterfield	Shumaker
Belan	Lincoln	Regoli	Stapleton
Brightbill	Mellow	Reibman	Stewart
Corman	Musto	Ross	Stout
Dawida	O'Pake		

NAYS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Lynch	Shaffer
Bell	Hess	Madigan	Tilghman
Fattah	Hopper	Peterson	Wenger
Fisher	Jones	Punt	Williams
Fumo	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

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

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

MOTION TO REVERT TO
PRIOR PRINTER'S NUMBER

Senator BRIGHTBILL. Mr. President, I move that we revert to prior Printer's No. 346.

The PRESIDENT. Senator Brightbill moves that we revert to the prior Printer's Number which is Senate Bill No. 335, Printer's No. 346.

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

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

LEGISLATIVE LEAVE

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

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

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

Senator CORMAN. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator CORMAN. Mr. President, I wonder if the person who made the motion to revert to the prior printer's number would explain to us exactly what that does to this issue?

Senator BRIGHTBILL. Mr. President, that does two things. Number one, it removes or strips out the grandfather clause, and, number two, instead of the local municipality having the authority, the county would have the authority to block a landfill and the use of the power of eminent domain by another county coming in. It basically does the same thing except that now, under the bill as it was originally written, the county would have the authority.

Senator O'PAKE. I join in this bipartisan support and urge an affirmative vote on this motion. It does, as the gentleman from Lebanon, Senator Brightbill, pointed out, give the veto power to the county commissioners who can consider what their county plan is and what they intend to do about the whole problem in the county rather than leave it at the local township level.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator FUMO. Mr. President, as I understand the issue, there were two amendments inserted in the Committee on Appropriations. One of them was this grandfather provision and the other one was to take the authority from the counties down to the local governments. Did not Senator Brightbill offer the amendment to make it even more restrictive at the local level?

Senator BRIGHTBILL. Mr. President, yes.

Senator FUMO. And he has now changed his position on that issue philosophically? Does he now think the counties are better off? I happen to agree with the counties.

Senator BRIGHTBILL. No, Mr. President, I have not changed my position. My preference is to have that authority in the local government. However, in the hopes that some people may be willing to support the amendment when it is in the county government and not in the local government, I am offering this as an alternative. If I had my druthers, I would have it the way it appeared with the amendment, but I would be very happy to leave here with this version.

Senator FUMO. Mr. President, if I had my druthers, the bill would be back in committee, so that does not get us anywhere. Obviously, Mr. President, the gentleman is willing to sacrifice one philosophical issue for another. I think this is almost the repeat of the last roll call. In fact, I would probably think that this would go down worse than the last roll call because if we are really going to be nimbys, this lessens the potential to be nimbys even more. I would urge a "no" vote on the motion, as well, Mr. President.

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

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

YEAS—22

Afflerbach	Holl	Pecora	Scanlon
Andrezeski	Lewis	Porterfield	Shumaker
Belan	Lincoln	Regoli	Stapleton
Brightbill	Mellow	Reibman	Stewart
Corman	Musto	Ross	Stout
Dawida	O'Pake		

NAYS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Lynch	Shaffer
Bell	Hess	Madigan	Tilghman
Fattah	Hopper	Peterson	Wenger
Fisher	Jones	Punt	Williams
Fumo	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

RHOADES AMENDMENT

Senator RHOADES, by unanimous consent, offered the following amendment No. A1982:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting: Imposing limitations on the use of eminent domain by municipalities and authorities to obtain certain real estate or facilities.

Amend Bill, page 1, lines 6 through 17; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting:

Section 1. Short title.

This act shall be known and may be cited as the Municipal Eminent Domain Limitation Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Authority." An authority incorporated and operated under the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

"Municipality." A county, city, borough, incorporated town, township or home rule municipality within this Commonwealth.

Section 3. Purpose and legislative intent.

The purpose of this act is to limit the ability of a municipality or authority to exercise eminent domain powers in another county.

Section 4. Limitation on the eminent domain power.

A municipality or authority may not exercise the power of eminent domain beyond the geographical boundaries of the county.

Section 5. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 6. Effective date.

This act shall take effect in 60 days.

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

Senator RHOADES. Mr. President, I have heard both arguments in what, basically, I guess is between two counties. My amendment basically says this: "A municipality or authority may not exercise the power of eminent domain beyond the geographical boundaries of the county." Basically, what I am saying is no county can go into any other county and exercise eminent domain. Said reason is basically this, very pure and simple: I do not believe anyone from any other county can come in to me and tell me that they are going to take my land or property and use it through their authority. I think that is why we elect commissioners and other officials to make that determination. That is the purpose of the amendment.

Senator O'PAKE. Mr. President, I would certainly support that amendment, and if the gentleman feels that way, I wish he would have supported our amendment because that is exactly what we were doing in the last two efforts.

Senator FUMO. Mr. President, I have just two questions to the maker of the amendment, the gentleman from Schuylkill, Senator Rhoades, if I may.

The PRESIDENT: Will the gentleman from Schuylkill, Senator Rhoades, permit himself to be interrogated?

Senator RHOADES. I will, Mr. President.

Senator FUMO. Mr. President, first, am I right in assuming this only applies to municipal authorities, not state authorities?

Senator RHOADES. Right, Mr. President, basically, it is. An "authority"—as defined here—"incorporated and operated under the act of May 2, 1945, (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945."

Senator FUMO. Mr. President, how would this amendment affect the grandfather provision that is in the bill?

Senator RHOADES. Mr. President, let me put it this way. It would take out the bill and establish this as eminent domain. In other words, it would remove all sections.

Senator FUMO. Mr. President, so that means the grandfather provision that we just voted to keep in would no longer be applicable?

Senator RHOADES. Mr. President, correct.

Senator FUMO. Mr. President, I thank the gentleman, and I again would urge a "no" vote for all the reasons that we had the debate on the first amendment, which was again another way to do this, I think are still applicable.

Senator MELLOW. Mr. President, would the gentleman from Schuylkill, Senator Rhoades, permit a brief interrogation?

The PRESIDENT. Will the gentleman from Schuylkill, Senator Rhoades, permit himself to be interrogated?

Senator RHOADES. I will, Mr. President.

Senator MELLOW. Mr. President, could Senator Rhoades tell us his intent as far as authorities would go? There is a definition. Authorities are mentioned in the definition part of the amendment. What would happen in a bi-county authority where there are two or more counties involved in an authority? What would the limit of their eminent domain be in that particular area? Would it be the limit that the authority extends to the two counties, or would it just be in a particular county? Can he please share that with us?

Senator RHOADES. Mr. President, my interpretation or intent would be that if there were two counties involved in that, if it were occurring in one county because that county had membership within the authority, they would be able to effect that change or that move or apply eminent domain.

Senator MELLOW. Mr. President, can the gentleman point out to me where it would state that, because I would like to be in a position of voting for his amendment, but in my district I have at least one authority that is a bi-county authority. My concern would be what would happen with the eminent domain, and I do not see in here where it would deal with bi-county authorities.

Senator RHOADES. Mr. President, I will not say that it will define bi-county authorities. I think we just define an authority as an authority. Under Section 4, "A municipality or authority may not exercise the power of eminent domain beyond the geographical boundaries of the county." Therefore, that authority, as part of it, is within the geographical boundaries of the county.

Senator MELLOW. Mr. President, that is exactly what my concern is. It says "A municipality or authority may not exercise the power of eminent domain beyond the geographical boundaries of the county." That is exactly what my concern would be, whether that would extend to more than one, because the way it talks in there, it talks about county, meaning singular.

Senator RHOADES. Mr. President, I guess my best answer would be, if that is the Senator's interpretation, that may be it. I would interpret it from the standpoint of saying beyond the geographical boundaries of the county, if I were in one part of that and that was my county, I would feel that it should apply.

Senator MELLOW. Mr. President, in conclusion, the additional concern would be because it is not specific in here. I think this bill is a very important bill about the possibility of any impending litigation based on the fact that would not be specifically explained whether we are talking about more than one county, and I think that is the concern I would have.

Senator LOEPER. Mr. President, I think, as some of the previous speakers pointed out, there are many authorities that could be covered by this amendment that could be very detrimental to those authorities that do cross county lines. Particularly, we were talking earlier as far as solid waste was concerned, but also, Mr. President, this could extend to anything, like a regional airport authority, a regional water authority, many different types of authorities. I believe that the extent and scope of what the amendment is trying to do is probably well-intended but I am not sure that it meets its mark, and I would ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—24

Afflerbach	Greenleaf	O'Pake	Ross
Andrezski	Holl	Pecora	Scanlon
Belan	Lewis	Porterfield	Shaffer
Brightbill	Lincoln	Regoli	Stapleton
Corman	Mellow	Reibman	Stewart
Dawida	Musto	Rhoades	Stout

NAYS—25

Armstrong	Helfrick	Loeper	Salvatore
Baker	Hess	Lynch	Shumaker
Bell	Hopper	Madigan	Tilghman
Fattah	Jones	Peterson	Wenger
Fisher	Jubelirer	Punt	Williams
Fumo	Lemmond	Rocks	Wilt
Greenwood			

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

O'PAKE AMENDMENT

Senator O'PAKE, by unanimous consent, offered the following amendment No. A1983:

Amend Sec. 4, page 2, line 23, by striking out "(A) GENERAL LIMITATIONS.—"

Amend Sec. 4, page 4, lines 11 through 16, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator O'PAKE. Mr. President, the gentleman from Lebanon, Senator Brightbill, joins in offering this amendment and all it does is delete the grandfather clause. What this is intended to do is to strengthen the law so that it cannot be challenged on the ground that it is special class legislation to benefit just Delaware County.

Senator LOEPER. Mr. President, essentially, I would just point out this is the same type of amendment we dealt with initially, and I would ask for a negative vote.

LEGISLATIVE LEAVES

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

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

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

The PRESIDENT. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator LOEPER. Mr. President, I would like the vote of Senator SHUMAKER to be changed from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—23

Afflerbach	Holl	Pecora	Scanlon
Andrezeski	Lewis	Porterfield	Shumaker
Belan	Lincoln	Regoli	Stapleton
Brightbill	Mellow	Reibman	Stewart
Corman	Musto	Rhoades	Stout
Dawida	O'Pake	Ross	

NAYS—26

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Lynch	Shaffer
Bell	Hess	Madigan	Tilghman
Fattah	Hopper	Peterson	Wenger
Fisher	Jones	Punt	Williams
Fumo	Jubelirer	Rocks	Wilt
Greenleaf	Lemmond		

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

Senator BRIGHTBILL. Mr. President, I am frankly on the horns of a dilemma. There is much good in this bill and it protects sixty-six of sixty-seven counties. Unfortunately, I represent one of the counties and the only county that is not protected by this bill. I guess my alternatives are to vote "aye" for the protection of sixty-six counties or "nay" to indicate my protest. I can sense what is going to happen here, that this bill is going to pass overwhelmingly. I am going to support this bill and I am going to vote "aye" for two reasons. Number one, I think that the entire Commonwealth deserves this protection. Number two, very simply, I believe that if this bill moves to the House of Representatives, there will be another day and another fight and another effort to right this wrong. Therefore, I intend to cast an affirmative vote.

Senator O'PAKE. Mr. President, I am very disappointed that the people and property owners of Berks County are being discriminated against by this bill. However, our only hope now is to work on this in the House of Representatives and hope that we can correct the inequity and get to the Governor some legislation that will protect all the people of Pennsylvania, not just sixty-six counties.

Senator RHOADES. Mr. President, I think the amendment I offered was a good amendment, a strong amendment. It is more what I want, but I guess sometimes you have to settle for the second thing you can get. The fact that at least the governing body of the host municipalities will have an opportunity now to rule on this is better than what we have at the present time. For that reason, I can support this bill.

Senator FUMO. Mr. President, I rise to oppose the bill even if I am the only one. I still think we have to come back to the reality that all these issues are state issues. As long as we play the "nimby" game we are going to get nowhere. I just think that if we pass this, we are only putting ourselves deeper into the hole and deeper into the problem. It is about time for us to have the courage to stand up and pass something much more reasonable that places this responsibility and similar responsibilities concerning other trash and other wastes squarely on the shoulders of the Commonwealth, and particularly, maybe even the Governor and DER. But to say the counties cannot condemn in other counties, we have municipal sewer authorities that have to be in other counties. We have transportation authorities that have to be in other counties. The issue is not as simple as just dumping waste in a landfill somewhere else. So I intend to vote "no" on the bill, Mr. President.

Senator FISHER. Mr. President, until this point I have stayed out of the debate today on the various amendments as to what impact they would have had, but as the prime sponsor of the bill which led to Act 101, I feel it necessary to, at least, add a couple remarks to the record. I, too, am going to oppose this bill on final passage. I think we did a lot in the last Session and the Session before to try to enact a solid waste bill

that could be a model not only for the state but also for the nation. There is an elaborate statutory scheme within that bill that provides for the siting of landfill facilities, and I just believe that the passage of this legislation in any form is the wrong way to go. I would urge a negative vote on final passage.

Senator BELL. Mr. President, I agree with the gentleman from Philadelphia, Senator Fumo, that this is a state issue, but I am going to vote "yes" on the bill. It has been maybe six or eight years ago that the then Secretary of the Department of Environmental Resources pointed out the tremendous problem that is facing Pennsylvania with respect to solid waste. Since then the situation has gotten worse. I have kept quiet on this bill. But I have in my district two major incinerators, one being built and the other about to be built, to handle other people's trash. I do not consider this being dumped on the community because it is going to be a source of revenue to the community. But what happens to the residue from those incinerators? Although the trash may come from Philadelphia and from other parts of the Commonwealth into my district, what are we going to do with the residue? We have handled this with respect to other wastes, nuclear waste, which is federal, and the dangerous waste, which is state, and low level nuclear waste, which is state and the feds have gotten into, and I think it is time that Pennsylvania opens its eyes. There is a real problem with solid waste.

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—39

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

NAYS—10

Baker	Fumo	Lynch	Salvatore
Fattah	Jones	Rocks	Williams
Fisher	Lewis		

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

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

SB 1093 CALLED UP

SB 1093 (Pr. No. 1300) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Second Consideration Calendar, by Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1093 (Pr. No. 1300) — 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 procedure for regulatory review; changing the termination date for the commission; and making repeals.

Considered the second time and agreed to,

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

HOUSE CONCURRENT RESOLUTION NO. 29, CALLED UP

Senator LOEPER, without objection, called up from page 12 of the Calendar, **House Concurrent Resolution No. 29**, entitled:

Directing the Pennsylvania Energy Office to study and report upon existing and proposed technologies to prevent polluttional discharges through the design of effective hydraulic seals and the related development of underground coal mines.

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

On the question,
Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 29

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 29.

The motion was agreed to and the resolution was concurred in.

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

SENATE RESOLUTION NO. 39, CALLED UP

Senator LOEPER, without objection, called up from page 12 of the Calendar, **Senate Resolution No. 39**, entitled:

A Resolution memorializing Congress to expand the criteria for Medicaid reimbursement of the cost of Community Living Arrangements for persons who have autism.

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 39, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 39.

The motion was agreed to and the resolution was adopted.

SENATE RESOLUTION NO. 44, CALLED UP

Senator LOEPER, without objection, called up from page 12 of the Calendar, **Senate Resolution No. 44**, entitled:

A Resolution memorializing Congress to demonstrate its support for allowing states to provide Medicaid-reimbursed community-based programs to people with developmental disabilities who live with their families, in their own homes or in small, family-scale environments by passage of S. 384, the Medicaid Home and Community Quality Services Act of 1989.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 44, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 44.

The motion was agreed to and the resolution was adopted.

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.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

April 4, 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, Helene M. Whitaker, 3471 Altonah Road, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

April 4, 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, Jay A. Young, 125 North 40th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

April 28, 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, Dayton A. Brown, 108 Walnut Street, Elkland 16920, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Ila L. Wiley, Nelson, whose term expired.

ROBERT P. CASEY.

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

April 28, 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, Ronald J. Cordaro, 214 Hill Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Robert J. Beirne, Esquire, Athens, whose term expired.

ROBERT P. CASEY.

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

April 28, 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, Peggy E. Dennis, Box 53, 107 Ward Avenue, Osceola 16942, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Marcella M. Hyde, D.Ed., Canton, whose term expired.

ROBERT P. CASEY.

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

April 28, 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, Lewis B. Lee, 5349 Devonshire Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

April 28, 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, Howard J. Smith, Jr., R. D. 3, Box 141, Troy 16947, Bradford County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF

April 4, 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, George J. Gruber, Jr., 120 Weatherby Street, Dalton 18414, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF

April 4, 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, Joseph F. Sabatella, 418 Wheeler Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF

April 4, 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, Carole C. Wright, 620 Glenburn Road, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Emma Collins, Scranton, whose term expired.

ROBERT P. CASEY.

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

March 15, 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, James A. Williams, 23 Gaelic Court, Holland 18966, Bucks County, Tenth Senatorial District, for appointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1992, and until his successor is appointed and qualified, vice Louis Esposito, Philadelphia, whose term expired.

ROBERT P. CASEY.

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

March 31, 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, James J. Flaherty, Esquire, 201 Mayfair Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh 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, 1989, and until his successor is appointed and qualified, vice W. Louis Coppersmith, Johnstown, deceased.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

Afflerbach	Greenwood	Madigan	Ross
Andrezeski	Helfrick	Mellow	Salvatore
Armstrong	Hess	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bell	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	Lemmond	Punt	Stout

Dawida	Lewis	Regoli	Tilghman
Fattah	Lincoln	Reibman	Wenger
Fisher	Loeper	Rhoades	Williams
Fumo	Lynch	Rocks	Wilt
Greenleaf			

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.

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

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

RECONSIDERATION OF EXECUTIVE NOMINATIONS

Senator MELLOW. Mr. President, I move that the vote by which the nominations were confirmed be reconsidered.

The PRESIDENT. Senator Mellow moves that the vote by which the nominations were confirmed be reconsidered. Does the gentleman wish to reconsider the vote on all of the nominees?

Senator MELLOW. Yes, Mr. President.

Senator PRESIDENT. Senator Mellow moves that the vote by which the nominations were confirmed be reconsidered.

The motion was agreed to.

And the question recurring,
Will the Senate advise and consent to the nominations?

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

YEAS—47

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

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.

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

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

MEMBER OF THE BOARD OF TRUSTEES OF SCRANTON STATE SCHOOL FOR THE DEAF

June 20, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 4, 1989, for the reappointment of Anthony Balducci, 506 Hickory Street, Peckville 18452, Lackawanna County, Twenty-second Senatorial District, as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

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

ROBERT P. CASEY.

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

Senator ROCKS, from the Committee on Intergovernmental Affairs, reported the following bills:

SB 803 (Pr. No. 883)

An Act establishing the Pennsylvania Advisory Commission on Intergovernmental Relations; and making an appropriation.

HB 1392 (Pr. No. 2138) (Amended)

An Act amending the act of July 10, 1986 (P. L. 1263, No. 116), known as the "Community Services Act," further providing for community action agencies and the board, for funding eligibility for block grants, for apportionment of appropriations, and for monitoring and remedies for block grant contracts; and extending the sunset provision.

Senator ARMSTRONG, from the Committee on Finance, reported the following bills:

SB 258 (Pr. No. 1311) (Amended)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

SB 403 (Pr. No. 416)

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for volunteer firefighters' retirement plans.

SB 625 (Pr. No. 1312) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for reporting of persons convicted of drug offenses to the Department of Revenue.

SB 626 (Pr. No. 1313) (Amended)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for examination of books, etc., by expert accountants; and making an appropriation.

SB 809 (Pr. No. 889)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for tax credits.

SB 854 (Pr. No. 960)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for a carryover; and providing for a phased in carryback for corporate net income taxes.

SB 929 (Pr. No. 1058)

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," further providing for distribution of the foreign fire insurance premium tax.

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bill:

SB 1035 (Pr. No. 1207)

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto;.....," further providing for insurance coverage for landslides occurring in coal or clay mining areas.

RESOLUTION REPORTED FROM COMMITTEE

Senator ROCKS, from the Committee on Intergovernmental Affairs, reported the following resolution:

SR 79 (Pr. No. 1231)

A Resolution memorializing Congress to pass legislation which requires the Secretary of Defense to implement actions to appoint military chaplains in representing proportion to the different faiths represented among the total membership of the armed forces.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the CUSHING Association by Senator Andrezeski.

Congratulations of the Senate were extended to Mary D'Altorio Haradin and to the citizens of the community of Irwin by Senator Belan.

Congratulations of the Senate were extended to Dr. Marcella E. Lingham and to Bunnie Bell Jackson by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Fischer by Senator Wilt.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Bruce R. Rehr by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 258, 403, 473, 474, 625, 626, 803, 809, 815, 854, 929, 1035 and HB 1392.

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

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

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

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

June 20, 1989.

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

Please note the nomination dated June 9, 1989 for the appointment of Harry J. Bradley, Esquire, 165 South Rolling Road, Springfield 19064, Delaware County, Ninth Senatorial District, as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable John A. Reilly, deceased, should be corrected to read:

Harry J. Bradley, Esquire, 165 South Rolling Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable John A. Reilly, deceased.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 21, 1989

Off the Floor	BANKING AND INSURANCE (to consider Senate Bills No. 104, 902 and 1106 and House Bill No. 1299)	Rules Committee Conference Room
9:30 A.M.	APPROPRIATIONS (to consider Senate Bills No. 577, 622, 633, 702 and 1095 and House Bills No. 537 and 691)	Room 461, 4th Floor Conference Room, North Wing
9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 867 and 868 and House Bill No. 168)	Room 460, 4th Floor Conference Room, North Wing

TUESDAY, JUNE 27, 1989

11:30 A.M.	JUDICIARY (to consider Senate Bills No. 355, 401, 559, 718, 719 and 1112 and House Bill No. 71; also a public hearing to consider the nomination for appoint- ment of Harry J. Bradley, Judge of the Court of Common Pleas of Delaware County)	Room 8E-B, Hearing Room, East Wing
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ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, June 21, 1989, at 10:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:38 p.m., Eastern Daylight Saving Time.