

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 17, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 58

### SENATE

TUESDAY, October 17, 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 Chaplain, the Reverend Father HARRY R. BIELEWICZ, JR., Pastor of St. Basil's Roman Catholic Church, Pittsburgh, offered the following prayer:

Let us pray.

God our Father, be with us today as we celebrate. We thank You for all the many gifts You shower upon us. As we walk the road of life be with us as we celebrate the lives of the people whom we walk with. Also be with us so that we will use the gifts that You have showered upon us, all our gifts and talents, to build Your kingdom, especially our heart and our mind You have blessed us with. We ask all these prayers through Christ our Lord. Amen.

### JOURNAL APPROVED

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

CONTROLLER, ARMSTRONG COUNTY

October 17, 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, Darlene J. Pike, Old Mill Road, Freeport 16229, Armstrong County, Fortieth Senatorial District, for appointment as Controller, in and for the County of Armstrong, to serve until the first Monday of January, 1992, vice Timothy L. Pesci, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

October 17, 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, Trevor Edwards, 2000 Chevy Chase Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1991, and until his successor is appointed and qualified, vice John T. Martino, Lancaster, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

October 17, 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, Francis V. Griffin, 203 Larrimore Lane, Erdenheim 19118, Montgomery County, Seventeenth Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-1-08, to serve until the first Monday of January, 1990, vice George Eastburn, resigned.

ROBERT P. CASEY.

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

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

MEMBER OF THE BEDFORD COUNTY  
BOARD OF ASSISTANCE

October 17, 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 nomina-

tion dated June 8, 1989 for the reappointment of Karen P. Ferguson (Democrat), P. O. Box 89, Manns Choice 15550-0089, Bedford County, Thirtieth Senatorial District, as a member of the Bedford County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

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

ROBERT P. CASEY.

MEMBER OF THE FOREST COUNTY  
BOARD OF ASSISTANCE

October 17, 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 June 8, 1989 for the appointment of Janet E. Holtz (Democrat), P. O. Box 593, 308 William Street, Tionesta 16353, Forest County, Twenty-fifth Senatorial District, as a member of the Forest County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Thomas J. Cathcart, Marienville, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

October 17, 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 June 8, 1989 for the appointment of Patricia Ciarocca (Democrat), 1504 Mifflin Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Mabel Dobbins, Shirleysburg, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

October 17, 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 June 8, 1989 for the appointment of Maxine A. Gardna (Democrat), 505 North Shaver Street, Mount Union 17066, Huntingdon County, Thirtieth Senatorial District, as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Wayne W. Hall, Alexandria, whose term expired.

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:

October 17, 1989

**HB 556, 964, 1289 and 1298** — Committee on Judiciary.

**HB 1083** — Committee on Education.

### BILLS INTRODUCED AND REFERRED

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

October 16, 1989

Senators PECORA, SCANLON, FISHER and BELAN presented to the Chair **SB 1291**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for the location and storage of public records, for fees for copying certain public records, for expenses of county officers for attending annual association meetings, for publication of the controller's report, for contracts in emergency situations, for contracts not requiring advertisement and bidding, for the governing body and powers of a residential finance authority, for grave markers, for the appointment of assistant fire marshals, and for the title acquired in condemnation proceedings; and making an editorial change.

Which was committed to the Committee on LOCAL GOVERNMENT, October 16, 1989.

Senator HELFRICK presented to the Chair **SB 1292**, entitled:

An Act declaring and adopting the song "Pennsylvania," lyrics and music by J. W. Yoder, as the State song of the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, October 16, 1989.

Senators FUMO, WILLIAMS, LYNCH, JONES, SCANLON and AFFLERBACH presented to the Chair **SB 1293**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, exempting cruise ships from certain provisions relating to gambling devices.

Which was committed to the Committee on JUDICIARY, October 16, 1989.

Senators SHUMAKER and LOEPER presented to the Chair **SB 1294**, entitled:

An Act making an appropriation to the Department of General Services for restoration of the Governor Curtin statue in Camp Curtin State Park.

Which was committed to the Committee on APPROPRIATIONS, October 16, 1989.

Senators GREENLEAF, FISHER, REIBMAN, BELAN, PORTERFIELD and STEWART presented to the Chair SB 1295, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties of the Department of Environmental Resources.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 16, 1989.

GENERAL COMMUNICATIONS

AUDITOR GENERAL'S CERTIFICATE

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

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE AUDITOR GENERAL
Harrisburg 17120-0018

September 29, 1989

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

Dear Senator Jubelirer:

On August 31, 1989, in accordance with the provisions of Article VIII of the Constitution of the Commonwealth of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, I made certification to the Governor and the General Assembly as to the Commonwealth's debt as of August 31, 1989.

A review of this Debt Certification indicated that the net capital debt outstanding as of the end of the preceding fiscal year (i) and as of August 31, 1989 (ii) were overstated. As a result of changes to the debt outstanding, the net debt as of the date of this certificate will also change (iii). In addition, the amount of debt scheduled to be repaid during the remainder of the current fiscal year was understated and had to be corrected (iv).

All figures included in the amended certificate reflect the date as of August 31, 1989.

A revised duplicate original of my certificate is enclosed.

Sincerely,
BARBARA HAFER
Auditor General

AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a)(4) and (c)
of the
CONSTITUTION OF PENNSYLVANIA
and the

Act of April 9, 1929, No. 176, as amended

To The Governor and The General Assembly:

I, BARBARA HAFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitu-

tion Article VIII, (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

Table with 2 columns: Description of debt item and Amount. Includes items like 'The average annual tax revenues deposited in all funds...', 'The amount of outstanding net debt as of the end of preceding fiscal year', etc.

All figures listed above are as of August 31, 1989.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Auditor General, this 29th day of September 1989.

BARBARA HAFER
Auditor General
Commonwealth of Pennsylvania

ANNUAL FINANCIAL REPORT
UNIVERSITY OF PITTSBURGH

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

UNIVERSITY OF PITTSBURGH
Pittsburgh, PA 15260

October 12, 1989

Mr. Mark R. Corrigan
Secretary of the Senate
Senate Post Office
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

In accordance with the reporting requirements of the Commonwealth, enclosed for your review is the Financial Statement for the University of Pittsburgh for the fiscal year ended June 30, 1989.

Sincerely,
WESLEY W. POSVAR
President

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

**ANNUAL REPORT OF THE DELAWARE  
RIVER PORT AUTHORITY**

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

**DELAWARE RIVER PORT AUTHORITY  
OF  
PENNSYLVANIA AND NEW JERSEY  
Bridge Plaza  
Camden, New Jersey 08101**

September 29, 1989

I am pleased to present to you the 1988 annual report of the Delaware River Port Authority. The publication reflects the personalities and financial data as of Dec. 31, 1988.

In the intervening months, however, several changes have been made among the port authority's commissioners and executive staff.

In order to bring you up to date on these changes, I submit the following summary.

- On Jan. 17, 1989 The Honorable Barbara Hafer replaced the Honorable Don Bailey as Pennsylvania auditor general and as a DRPA commissioner.

- On Jan. 17, 1989 The Honorable Catherine Baker Knoll replaced the Honorable G. Davis Greene Jr. as Pennsylvania treasurer and as a DRPA commissioner. Mr. Greene then replaced Mr. John P. LaRue, who resigned, as a Pennsylvania commissioner.

- In September 1988, Pennsylvania Commissioner Barbara G. Jones was appointed as Philadelphia's director of legislative affairs.

- On Aug. 17, 1989 we mourned the passing of Pennsylvania Commissioner James R. Lloyd. As of this date, the vacancy has not been filled.

- On June 1, 1989 New Jersey Commissioner Harry Benn retired. The vacancy has not been filled.

- In June 1989, New Jersey Commissioner Francis L. Bodine was appointed as executive assistant for the South Jersey Port Corp.

- New Jersey Commissioner A. D. Pistilli resigned on Oct. 12, 1988. The vacancy was filled in March 1989 by the appointment of Commissioner Albert A. Fralinger Jr.

- On May 17, 1989 Mr. Eugene J. McCaffrey Sr. was elected by the DRPA board as executive director replacing Mr. James R. Kelly, who retired.

- Mr. Alfred L. Griebing, executive vice president, retired in June 1989.

- On Sept. 20, 1989 Mr. Walter T. Peters Jr. was elected by the DRPA board as board secretary replacing W. Steven Joachim. Mr. Joachim was named as acting director of management information services and project control.

Thank you for your continued interest and support of the Delaware River Port Authority.

Sincerely,

EUGENE J. McCAFFREY SR.  
Executive Director

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

**DEPARTMENT OF ENVIRONMENTAL RESOURCES  
ACT 108 IMPLEMENTATION  
THE HAZARDOUS SITES CLEANUP ACT  
ANNUAL REPORT**

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

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
Post Office Box 2063  
Harrisburg, Pennsylvania 17120**

October 2, 1989

Mark R. Corrigan  
Secretary of the Senate  
Room 462 Main Capitol  
Harrisburg, PA 17120

Dear Secretary Corrigan:

On October 18, 1988, Governor Robert P. Casey signed the Hazardous Sites Cleanup Act, Act 108, into law. Section 902(c) of the Act requires the Department to submit an annual report concerning activities pursuant to the Act as well as all revenues and receipts deposited in the Hazardous Sites Cleanup Fund.

I am pleased to submit the first annual report for Act 108 as required by this statute.

Each member of the General Assembly will receive a printed annual report under separate cover in the near future.

Sincerely,

ARTHUR A. DAVIS  
Secretary

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

**REPORTS FROM COMMITTEES**

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

**SB 514 (Pr. No. 1614) (Amended)**

An Act establishing the Oil and Gas Conservation Commission and conferring powers and duties upon it; and making a repeal.

**SB 806 (Pr. No. 1615) (Amended)**

An Act amending the act of December 18, 1984 (P. L. 1069, No. 214), entitled "Coal and Gas Resource Coordination Act," further providing for plugging certain gas wells.

**SB 1156 (Pr. No. 1616) (Amended)**

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), entitled "Oil and Gas Act," further defining certain terms; providing for plugging abandoned wells; and making appropriations.

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

**SB 29 (Pr. No. 29)**

An Act designating Interstate 476 as Veterans Memorial Highway.

**SB 48 (Pr. No. 48)**

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for tampering with odometers; and imposing penalties.

**SB 377 (Pr. No. 390)**

An Act amending the act of December 15, 1971 (P. L. 596, No. 160), entitled "Outdoor Advertising Control Act of 1971," establishing a three-year permit and fees for directional signs and directional information signs.

**SB 678 (Pr. No. 722)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for exceeding maximum weights.

**SB 717 (Pr. No. 780)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

**SB 800 (Pr. No. 880)**

An Act amending the act of July 12, 1974 (P. L. 458, No. 161), entitled "Liquid Fuels Additional Tax Act," further providing for distribution of the tax.

**SB 1057 (Pr. No. 1622) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for commercial drivers; further providing for buses, for exemptions from licensing, for classes of licenses, for school bus drivers, for issuance and content of driver's license, for revocation or suspension of operating privilege, for schedule of convictions and points, for surrender of license, for chemical testing to determine amount of alcohol or controlled substance, for judicial review, for violations concerning licenses, for driving under foreign license during suspension or revocation, for reckless driving, for driving under the influence of alcohol or controlled substance, for enforcement agreements and for reports by courts; and providing for careless driving.

**SB 1258 (Pr. No. 1623) (Amended)**

An Act designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

**SB 1268 (Pr. No. 1580)**

An Act designating a certain bridge over the West Branch of the Susquehanna River as the Carmen R. Rosamilia Bridge.

**HB 202 (Pr. No. 2627) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for local authorities to appoint temporary personnel to direct traffic at industrial facilities during shift changes.

**HB 211 (Pr. No. 237)**

An Act designating a certain bridge on State Route 849 in Juniata Township, Perry County, as the T. Luke Toomey Bridge.

**HB 376 (Pr. No. 1571)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prisoner of war plates; and providing for a special license plate for Pearl Harbor survivors.

**HB 744 (Pr. No. 825)**

An Act designating the section of T.R. 380 in Plum Borough, Allegheny County, Pennsylvania, as the Joseph F. Bonetto Memorial Highway; and making a repeal.

**HB 1569 (Pr. No. 1839)**

An Act designating a certain portion of Pennsylvania Route 61 in Schuylkill County as the Joseph H. Long Boulevard.

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

**SB 1112 (Pr. No. 1625) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges required in certain judicial districts; and the duties of certain judges.

**SB 1216 (Pr. No. 1500)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of possessing instruments of crime.

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

**SB 189 (Pr. No. 189)**

An Act to provide for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics and emergency medical technicians; and making an appropriation.

**SB 1056 (Pr. No. 1247)**

An Act amending the act of September 9, 1965 (P. L. 497, No. 251), entitled "An act requiring physicians, hospitals and other institutions to administer or cause to be administered tests for phenylketonuria and other metabolic diseases upon infants in certain cases," providing for tests for maple syrup urine disease.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 97 (Pr. No. 1624) (Amended)**

A Concurrent Resolution establishing a joint House and Senate task force to review Medical Assistance fees and payments for inpatient and outpatient care to determine the adequacy of those fees and their effect on the health care delivery system and access to health care.

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

**LEGISLATIVE LEAVES**

Senator BRIGHTBILL. Mr. President, I would ask for a temporary legislative leave for Senator Rocks.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Brightbill requests temporary legislative leave for Senator Rocks. Senator Mellow requests legislative leave for Senator Stout. The Chair hears no objection. Those leaves will be granted.

**LEAVE OF ABSENCE**

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

## CALENDAR

## SB 1200 CALLED UP OUT OF ORDER

**SB 1200 (Pr. No. 1478)** — 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

**SB 1200 (Pr. No. 1478)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Borough of Mechanicsburg, Cumberland County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed to the Borough of Mechanicsburg, Cumberland County.

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—48

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
Bodack	Jubelirer	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Corman	Lewis	Regoli	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fumo	Loeper	Rhoades	Williams
Greenleaf	Lynch	Rocks	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 present said bill to the House of Representatives for concurrence.

## RECESS

Senator LOEPER. Mr. President, at this time I would request a recess for the purpose of a Republican caucus to begin immediately in the downstairs caucus room, with an expectation of returning to the floor at approximately 2:30 p.m.

Senator MELLOW. Mr. President, I would likewise request the Democrat Members to report immediately to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, 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

## REPORT OF COMMITTEE OF CONFERENCE

## BILL OVER IN ORDER

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

## LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Ross and a temporary Capitol leave for Senator Fattah.

The PRESIDENT. Senator Stapleton seeks legislative leave for Senator Ross and a temporary Capitol leave for Senator Fattah. The Chair hears no objection. The leaves will be granted.

## LEGISLATIVE LEAVE CANCELLED

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

## CONSIDERATION OF CALENDAR RESUMED

BILL WHICH HOUSE HAS NONCONCURRED  
IN SENATE AMENDMENTSSENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE  
TO HB 53

**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.

Senator BRIGHTBILL. Mr. President, I move the Senate do insist upon its amendments to House Bill No. 53, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**SB 352** — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 814 (Pr. No. 1593)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," providing for pollutional discharges and bonds; extending the Emergency Bond Fund to anthracite surface mines; and making an appropriation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3212:

Amend Sec. 2 (Sec. 4), page 3, line 20, by striking out "JULY 31, 1982" and inserting: March 31, 1983

Amend Sec. 2 (Sec. 4), page 3, lines 25 through 30; page 4, lines 1 through 3, by striking out all of said lines on said pages and inserting:

(g.2) For operations conducted under permits originally or first issued prior to March 31, 1983, which encountered drainage from previous mining and were mined in accordance with the rules and regulations of the department in effect at the time, the permittee shall not incur any liability or responsibility under this act or any other law, rule or regulation of the Commonwealth unless the department demonstrates that the mining activities of the permittee have caused additional pollution. If the department so demonstrates, the permittee shall be responsible for such additional pollution pursuant to subsection (g.1). If the department fails to demonstrate that the mining activities of the permittee have caused additional pollution, the bonds shall be released as provided for in subsection (g): Provided, however, That the permittee shall not be required to make any provisions for the current or future treatment of drainage from previous mining.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL OVER IN ORDER TEMPORARILY

**SB 851** — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

### LEAVE OF ABSENCE

Senator STAPLETON. Mr. President, I would like to make a correction on leaves. I would like Senator Fattah on personal leave instead of legislative leave.

The PRESIDENT. The Chair thanks the gentleman. Senator Fattah will be recorded as being on personal leave for the remainder of today's Session.

### LEGISLATIVE LEAVES

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

The PRESIDENT. Senator Porterfield will receive temporary Capitol leave, without objection. There being none, this leave will be granted.

Senator BRIGHTBILL. Mr. President, I would ask for temporary Capitol leaves for Senator Hopper, Senator Helfrick, Senator Corman, Senator Baker and Senator Loeper.

The PRESIDENT. Senator Brightbill asks temporary Capitol leaves for Senator Hopper, Senator Helfrick, Senator Corman, Senator Baker and Senator Loeper. The Chair hears no objection. The leaves will be granted.

### LEGISLATIVE LEAVE CANCELLED

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

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 876 (Pr. No. 997)** — 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," establishing a separate nomination petition filing fee for certain third class city offices.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator LINCOLN. Mr. President, would the prime sponsor, the gentleman from Venango, Senator Peterson, submit to a brief interrogation?

The PRESIDENT. Will the gentleman from Venango, Senator Peterson, permit himself to be interrogated?

Senator PETERSON. I will, Mr. President.

Senator LINCOLN. Mr. President, in our caucus there were some questions about whether we, in fact, would agree to support this legislation because of the reduction in the filing fee from \$100 to \$25. I think that was the primary question that was asked. Could the gentleman explain to the Senate what, in fact, the bill does and give some reason for wanting that reduction?

Senator PETERSON. Yes, Mr. President. In my district, and I think across much of Pennsylvania, we have cities with populations of five, six, seven and eight thousand. The fees that they are compensated with for serving on city council sometimes are several hundred dollars or \$1,000 or \$2,000, which are minimal salaries, and when you equate that with the difficulty of the job, getting good people to run, in some cases their fee was a third of what they made as a salary for the position. When state Legislators and state Senators pay a \$100

fee, when magistrates, many of whom make in excess of \$40,000, pay a \$50 fee and boroughs pay a \$5.00 fee, it just did not seem fair. I was told it was somewhat of an oversight that third-class cities were included in the \$100 fee, and our reasoning was that we should not do anything to deter people who are really serving for almost nothing as far as the financial reward is concerned with a \$100 filing fee. We are not changing the number of signatures. We are leaving that the same, but we are just changing the filing fee because I think it is getting more difficult every day with the serious problems in our communities to get good people to serve. If a filing fee would keep a good candidate out, I do not think the filing fee should be high or should be looked at as a money raiser. Our reasoning is let us not deter good people from serving in government when the filing fee is a major portion of what they might earn in a year.

Senator LINCOLN. Mr. President, one of the reasons I think the fee was increased and was just a part of a major overhaul of signatures needed and fees needed to file was that we had a considerable number of our communities complaining about ballot clutter. You do not see reducing this filing fee back to where, you know, anybody could just run for office as a joke? That is not going to come back to us again, the problem with ballot clutter?

Senator PETERSON. No, Mr. President. I think the number of signatures that are required is a major portion of it, and also boroughs are only \$5.00. Magistrates, which are very significant positions, are \$50. I do not personally think that will open the position up. I think it used to be \$5.00, if my memory is correct. It was \$5.00, or \$10 at most.

Senator LINCOLN. Mr. President, it was \$10.

Senator PETERSON. Mr. President, so it was significantly increased to cover the cost. I think \$25 is a fair fee for filing in a city and that is why we chose that figure.

Senator LINCOLN. Mr. President, there will be some loss of revenue to the counties. You do not anticipate that this is going to be a problem?

Senator PETERSON. No, Mr. President. It is minimal when you look at how many cities there are in a county. It is not a lot of dollars. The county commissioners that I have talked with have no problem with it whatsoever.

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

I think his answers are succinct and to the point, and I think you should now make up your own mind whether you agree with doing that or not, but I think he has answered sufficiently the questions that we had in our caucus.

Senator AFFLERBACH. Mr. President, I desire to interrogate the gentleman from Venango, Senator Peterson.

The PRESIDENT. Will the gentleman from Venango, Senator Peterson, permit himself to be interrogated?

Senator PETERSON. I will, Mr. President.

Senator AFFLERBACH. Mr. President, I think the gentleman hit the nail on the head earlier when he had indicated that the crux of the problem seems to be the population variance in third-class cities. My question to him would be, with the very small cities that he has mentioned, has he experienced or has

the information been conveyed to him that it, in fact, is difficult to attract candidates to fill those municipal offices?

Senator PETERSON. Mr. President, yes, it has. That is where the issue came to me. I had people who have served in those positions and they were incensed that for \$300 or \$400 that they get in a year for serving—it is really public service—that they now had to pay a \$100 fee. I have several counties where my party is paying the fee for them to make sure they can fill the position because a lot of those people were not used to paying a major fee to run. They served because people wanted them to and they had the abilities to add to local government. I think it is a deterrent. Local government, in my view, is the toughest place to serve if you are serious about government, and many of them are. They take more heat from the press than we do. They are close to the people. Their decisions are quickly criticized, and I, personally, have served in local government for eight years so I think I know of what I speak. It is a difficult job. It is not easy. They do not do it for money, at least in my district they do not. It is basically public service, and I do not think we should do anything that would deter any good candidate from running. I think a \$100 fee is steep for the position in comparison to what we are charging for representatives in other positions.

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

I would only further comment that, again, I think he has hit the nail directly on the head, and the crux of the problem is the wide divergence of population. The gentleman is quite correct that there are townships and boroughs with greater population than some of our third-class cities, and I would invite the gentleman to join with me and others who may be interested in redefining exactly what a third-class city should be in terms of population. This is not the first time that we have run into some significant problems in attempting to deal with the problems of third-class cities, only to find that the wide divergence in population prevents us from doing so. I would suggest that the gentleman's bill could be supported.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Jones and Senator O'Pake.

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

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—42

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

Greenwood Madigan

NAYS—6

Andrezeski Lynch Regoli Scanlon  
Fumo Mellow

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 851 CALLED UP

**SB 851 (Pr. No. 1531)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

### BILL ON THIRD CONSIDERATION AMENDED

**SB 851 (Pr. No. 1531)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of taxicabs in first class cities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SALVATORE, by unanimous consent, offered the following amendment No. A3276:

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. Sections 510(b) and 1103(c) of Title 66 of the Pennsylvania Consolidated Statutes are amended to read:

§ 510. Assessment for regulatory expenses upon public utilities.

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(b) Allocation of assessment.—On or before March 31 of each year, every public utility shall file with the commission a statement under oath showing its gross intrastate operating revenues for the preceding calendar year. If any public utility shall fail to file such statement on or before March 31, the commission shall estimate such revenues, which estimate shall be binding upon the public utility for the purposes of this section. For each fiscal year, the allocation shall be made as follows:

(1) The commission shall determine for the preceding calendar year the amount of its expenditures directly attributable to the regulation of each group of utilities furnishing the same kind of service, and debit the amount so determined to such group.

(2) The commission shall also determine for the preceding calendar year the balance of its expenditures, not debited as aforesaid, and allocate such balance to each group in the proportion which the gross intrastate operating revenues of such group for that year bear to the gross intrastate operating revenues of all groups for that year.

(3) The commission shall then allocate the total assessment prescribed by subsection (a) to each group in the proportion which the sum of the debits made to it bears to the sum of the debits made to all groups.

(4) Each public utility within a group shall then be assessed for and shall pay to the commission such proportion of the amount allocated to its group as the gross intrastate operating revenues of the public utility for the preceding calendar year bear to the total gross intrastate operating revenues of its group for that year.

(5) The assessment provided for in this section shall not be made against utilities governed by the provisions of Chapter 24 (relating to taxicabs in first class cities).

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§ 1103. Procedure to obtain certificates of public convenience.

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(c) Taxicabs.—

(1) A certificate of public convenience to provide taxicab service within cities of the first class shall be granted by order of the commission without proof of the need for the service if the commission finds or determines that the applicant is capable of providing dependable taxicab service to the public according to the rules and regulations of the commission.

(2) The commission is authorized to issue a maximum of [1,400] 1,600 certificates of public convenience for taxi service in any city of the first class upon the effective date of this [subsection. Eighteen months after the effective date of this subsection, the commission is authorized to issue in its discretion a maximum of 1,700 certificates of public convenience for taxi service in any city of the first class. Thirty months after the effective date of this subsection, the commission is authorized to issue in its discretion a maximum of 2,000 certificates of public convenience for taxi service in any city of the first class] amendatory act. Upon the second year of the effective date of this [subsection] amendatory act, the commission shall institute a formal investigation on the future need for taxi service in any city of the first class. The commission shall report to the Senate and House Consumer Affairs Committees its findings, conclusions and recommendations.

(3) It is hereby declared to be the policy of the General Assembly to regulate the provision of taxicab service within cities of the first class in such a manner that any certificate of public convenience hereinafter granted by order of the commission shall, in addition to any other conditions imposed by the commission, require that at least 40% of such trips of such taxicab service shall be derived from such service provided to and from points within specific geographical areas to be determined by the commission as being in the public interest. The commission shall have the power to rescind or revoke any certificate of public convenience granted to any existing holder or any new recipient for the operation of taxicabs within a city of the first class whenever it is shown that the holder of the certificate is not operating the taxicabs on an average of 50% of the time over any consecutive three-month period.

(4) The commission shall have the authority to grant immediate temporary certificates of public convenience for taxicab service in cities of the first class. Such temporary certificates are subject to further investigation before a permanent certificate shall be granted by the commission.

(5) In cities of the first class, all operators shall utilize the services of a centralized dispatch system utilizing radio. Any existing holder or any new recipient of a certificate of public convenience for the operation of taxicabs in cities of the first class which owns or operates a centralized radio dispatch system shall make such system available to all other taxicab operations for a reasonable fee as described in a tariff to be filed with the commission for its review and approval but with no obligation to use any specific radio system. It is mandatory, however, that every taxi operated in the city be linked to a central radio service.]

(6) A minimum of 5% of all certificates of public convenience issued under this subsection in cities of the first class shall be issued to minority persons or to corporations in which 51% or more of the voting shares or interest in the corporation is held by minority individuals. For purposes of this paragraph, "minority" shall describe one who is Black, Puerto Rican, Hispanic, American Indian, Eskimo, Aleut or Oriental.

(7) The transfer of a certificate of public convenience, by any means or device, shall be subject to the prior approval of the commission which may, in its sole or peculiar discretion as it deems appropriate, attach such conditions, including the appropriate allocation of proceeds, as it may find to be necessary or proper.

(8) In cities of the first class, any new holder of a certificate of public convenience for the operation of a taxicab shall, prior to the initial operation of such taxicab, have such taxicab inspected under the supervision of a State Police Officer at the expense of the holder of such certificate. The holder of said certificate shall make payment of such expenses at the time of the inspection with a certified check payable to the Pennsylvania Department of Transportation.]  
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Section 2. Title 66 is amended by adding a chapter to read:

Amend Subchapter Analyses, page 2, line 7, by striking out "Applicability." and inserting:

Penalties.

2416. Applicability.

Amend Sec. 1 (Sec. 2403), page 4, line 18, by removing the period after "cancellation" and inserting: and the certificate holder must turn the medallion over to the commission office within five days of cancellation of the certificate for safekeeping until the medallion is sold.

Amend Sec. 1 (Sec. 2404), page 5, line 7, by inserting after "vehicles.": Commission inspection and recording requirements shall be established by regulations.

Amend Sec. 1 (Sec. 2404), page 6, line 3, by striking out "and"

Amend Sec. 1 (Sec. 2404), page 6, line 7, by removing the period after "service" and inserting:

; and

(4) from any point in the city of the first class for which its certificate is issued to any point outside this Commonwealth as a continuous part of a trip.

Amend Sec. 1 (Sec. 2404), page 7, lines 27 through 30; page 8, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 2405), page 8, line 9, by inserting after "a": presiding officer who shall be a

Amend Sec. 1 (Sec. 2405), page 8, lines 10 and 11, by striking out "Special agents or administrative law judges" and inserting: Presiding officers

Amend Sec. 1 (Sec. 2405), page 8, line 14, by striking out "special agent or administrative law judge" and inserting: presiding officer

Amend Sec. 1 (Sec. 2407), page 9, line 28, by striking out "The" and inserting: Subject to the limits established in section 1103(c) (relating to procedure to obtain certificates of public convenience), the

Amend Sec. 1 (Sec. 2407), page 10, line 13, by striking out "2,000" and inserting: 1,600

Amend Sec. 1 (Sec. 2409), page 12, line 20, by inserting after "thereafter.": The commission may by regulation provide for suspension and revocation of taxi driver's licenses for violations of this chapter and commission regulations.

Amend Sec. 1 (Sec. 2414), page 14, lines 21 through 24, by striking out "UPON SUBMITTAL BY THE" in line 21, all of lines 22 through 24 and inserting: Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution

Amend Sec. 1 (Sec. 2414), page 15, lines 5 through 8, by striking out "COMMITTEE" where it appears the second time in line 5, all of lines 6 and 7 and "(A)." in line 8 and inserting: Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution within ten legislative days from the submission, the commission fee schedule shall become effective.

Amend Sec. 1 (Sec. 2414), page 15, by inserting between lines 9 and 10:

§ 2415. Penalties.

For the purpose of this chapter, any person or corporation convicted of:

(1) a summary offense shall be sentenced to pay a fine of \$500 and may be sentenced to a term of imprisonment not to exceed 90 days, or both; or

(2) a misdemeanor shall be sentenced to pay a fine of \$2,500 and may be sentenced to a term of imprisonment not to exceed one year, or both.

Amend Sec. 1 (Sec. 2415), page 15, line 10, by striking out "2415" and inserting: 2416

Amend Sec. 1 (Sec. 2415), page 15, line 15, by striking out all of said line and inserting: hereby suspended insofar as they govern taxicabs in cities of the first class.

Amend Sec. 2, page 15, line 16, by striking out "2" and inserting: 3

Amend Sec. 2, page 15, line 20, by striking out "repealed" and inserting: suspended

Amend Sec. 3, page 15, line 22, by striking out "3" and inserting: 4

Amend Sec. 3, page 15, line 26, by striking out "60" and inserting: 90

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, I believe we are in agreement with this amendment, although I will have another amendment right after this which will not radically affect this but will change some of the provisions.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator FUMO, by unanimous consent, offered the following amendment No. A3005:

Amend Sec. 1 (Sec. 2402), page 3, line 17, by inserting after "convenience.": The maximum annual fee permitted by this section shall initially be \$900; however, the maximum annual fee shall be increased by an amount equivalent to the annual increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers of the Bureau of Labor Statistics of the Department of Labor.

Amend Sec. 1 (Sec. 2406), page 9, line 26, by inserting after "UTILITIES.": The maximum annual fee permitted by this section shall initially be \$900; however, the maximum annual fee shall be increased by an amount equivalent to the annual increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers of the Bureau of Labor Statistics of the Department of Labor.

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, this amendment deals with the fees to be charged, and it does not necessarily conflict with the amendment of the gentleman from Philadelphia, Senator Salvatore, in the pertinent section, but what it does say is the fee set by the PUC shall not be more than \$900 initially and

that fee is allowed to increase by the amount equal to the Consumer Price Index on an annual basis. It takes a little bit different tack than Senator Salvatore's. Senator Salvatore's amendment, by the way, did other things that we agree with. Maybe we have a disagreement in fee, I do not know. This says to the PUC that you cannot exceed this dollar amount. I think it is important in this industry that we do have a fair and reasonable price for these fees and that there be some predictability, at least at the upper end of the fees that are assessed. I would urge an affirmative vote on the amendment.

Senator SALVATORE. Mr. President, I would like to thank my colleague for agreeing with my amendment. Unfortunately, I would like to agree with him on his amendment, but the PUC felt they did not want a cap put in at this particular time. Although I think his amendment is a good one, I want to go along with the PUC because they actually have not decided what the actual costs are going to be for the enforcement part of this act. That is the most important part of this bill, the enforcement part of it. The PUC would like to set the rates. It is only going to be a partial fee for the first year until they get more data. So, I would have to oppose the amendment on those grounds.

Senator WILLIAMS. Mr. President, I rise to support the amendment offered by the gentleman. He desires to have some predictability and we have done that in the past. We have provided caps on new programs so they will not get out of sight. This legislation is a new piece of legislation and we supported the previous amendment. That does not indicate that we are in support of the bill, however, but the amendment on the floor now does provide for the fact that we are not going to have some escalation. There could be some predictability and many, many of the cab drivers and owners in this situation are people of very modest means. With new bureaucracy facing them they should be entitled, as in other programs, to some certainty. For us to provide a cap gives us that basic protection so that the PUC or any other commission does not just willy-nilly take this new program beyond a point where people cannot afford it. We need as much competition for service in this area as we can get in Philadelphia. It affects a lot of people, as I said, of very modest means on sort of a shoestring, or at least a marginal operation, and they need to be protected from the bureaucracy. Indeed, as my Republican friends always say, the government sometimes interferes too much. This way we can at least provide some certainty as to a limit beyond which they will not go.

Senator FUMO. Mr. President, if I may also address the argument of the gentleman from Philadelphia, Senator Salvatore, we have a copy of a memorandum that was sent to him by Paul Crowley, Director of Intergovernmental Affairs from the PUC, concerning the numbers that they used to base this fee projection on. I might add that unless my amendment is adopted, the fee will start out at \$1,250 and go up from there. What I would hope the gentleman would do is help restrict the bureaucracy rather than letting it expand unchecked. We see an awful lot of fat in the budget. There is \$213,000 in here just for an administrative law judge. Then, in

addition to the police officers who are going to be assigned by the City of Philadelphia unit, there is another \$176,000 that is used to make sure the Philadelphia police do their job. I think a lot of this could very easily become a windfall for the PUC to start another whole bureaucracy, and I do not think they should be entitled to get that kind of money. I think we should keep them as tight as we can, and if, in fact, there is a problem, we can always readdress it. But, I think to give them that kind of money up front so it can just be, basically, wasted in a new bureaucracy is a big mistake. I would urge, in the spirit of fiscal constraint, that we adopt the amendment so we can keep some restraining factor on this bureaucracy.

Senator BRIGHTBILL. Mr. President, we would ask for a negative vote.

#### LEGISLATIVE LEAVES

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

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

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

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

Senator SALVATORE. 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 required by Senator FUMO and were as follows, viz:

#### YEAS—22

Afflerbach	Jones	O'Pake	Scanlon
Andrezeski	Lewis	Porterfield	Stapleton
Belan	Lincoln	Regoli	Stewart
Bodack	Lynch	Reibman	Stout
Dawida	Mellow	Ross	Williams
Fumo	Musto		

#### NAYS—26

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

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

The PRESIDENT. Senate Bill No. 851 will go over in its order, as amended.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**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 educa-

tion or lack of accessibility to government-related or public social programs; 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 FUMO. Mr. President, I would like to ask the prime sponsor, the gentleman from Philadelphia, Senator Rocks, if he would stand for interrogation on this bill?

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

Senator ROCKS. I will, Mr. President.

Senator FUMO. Mr. President, can Senator Rocks explain to me on page 4, line 10, specifically why he has limited the groups and the target groups and the people who are eligible for this money to those people who have primarily language problems? The words specifically are "primarily due to language problems." It appears to me that this would exclude Irish-American groups and black groups who are English-speaking from the program. Can he explain that to me, please?

Senator ROCKS. Yes, Mr. President. For the several years that this legislation has been in its making and came to this point of consideration today, its prime consideration has been where a language barrier existed, particularly with those nationalities that were in a position to offer social services to elderly and those who had the impediment of a language barrier.

Senator FUMO. So, I am correct, Mr. President, in my assumption, then, that this bill would not provide funds to groups whose people primarily do speak English and do not have a language problem? As I enumerated before, Irish-American groups, black groups and people of that nature, would they be excluded now?

Senator ROCKS. No, Mr. President. That would really be a misunderstanding of the legislation. I do not believe that language is to make it exclusionary. I think by the broad base of support that the legislation has had from Jewish Social Services and many other organizations, it is not viewed as being exclusionary, but it was more or less viewed as the direction that now this money available to those nationalities that had a language barrier would be primarily targeted for the assistance.

Senator FUMO. Mr. President, could the gentleman, then, reconcile the language that appears on page 4, lines 21 through 25, which clearly says under the title, "(A) GRANTS.—The Secretary is authorized to make grants to bona fide social service organizations that will identify the target groups"—and target groups are explained above as those having problems primarily with language—"as defined in this Act, and assist persons in the target groups in obtaining government services for which they may be eligible." Then it goes on to say, "The Secretary shall establish such standards as may be necessary...." They are the people under this par-

ticular act who are the only ones eligible for the funding. So, how am I misunderstanding that? These are his definitions and this is his language in the bill.

Senator ROCKS. Mr. President, I would guess that the gentleman is attempting to make a misunderstanding. The language is exactly as the language is written. There are any number of black nationality groups who also could be qualified as having a language barrier. They are some of the new immigrant groups who have arrived in any number of areas in Pennsylvania. They may not be numerous, but based on the language that the gentleman has read, it is exactly what the directive and, hopefully, the aim and goal of this legislation is about.

Senator FUMO. Mr. President, is the gentleman aware of any Irish-American groups who speak Gaelic who are in here and who are going to apply for money and get it, because I cannot think of any other groups who would apply, then? Is he excluding Irish-American groups?

Senator ROCKS. Mr. President, there is nothing exclusionary, as I said initially, about the legislation, but I certainly am not aware of any Irish groups who have arrived here of late in the Commonwealth whose primary language is Gaelic.

Senator FUMO. Mr. President, so the gentleman then, again going back to the definition of target groups, specifically now is excluding Irish-American groups because they do not speak a foreign language. They do not have a language problem. Is that what he is saying?

Senator ROCKS. Mr. President, as would fit the real intent of this legislation, being of Irish-American extraction myself, it would, I think, be fully understood that most Irish-Americans who were in need of the offering of a social service program would not be doing that through some kind of a heritage association. This primarily came from an understood need, and I know the gentleman is very familiar with it in the City of Philadelphia—Polish-Americans, Ukrainian-Americans, Lithuanian-Americans, many of the Slavic Countries where the primary offering of a social service comes through what is a nationality organization. Many, many times the difficulty which they face is that there are any number of those citizens, primarily older, who do not speak English, and the aim of this was to be of assistance to them. It is not exclusionary in any sense, nor would it properly be in the presentation of this legislation.

Senator FUMO. Mr. President, also, on the last page of the bill, page 8, "Funds utilized under this appropriation shall replace, and be used in lieu of, funds from any other sources currently provided to bona fide social service organizations who perform services for target groups." Does the gentleman mean that these groups—and I am very familiar with them, I have helped fund them in the past—as a result of this legislation, if it were approved, that the appropriations those people would get normally from us in the due course would be cut off and this would be their only avenue?

Senator ROCKS. No, Mr. President, that is not the intent of that legislation. The intent of that legislation is to make sure that we are not duplicating funding that may be in some

funding stream across this state's budget already available for what is the purpose of this act that now speaks in law for the first time specifically to the need.

Senator FUMO. Mr. President, I am confused by the answer. I will be more specific. Does the gentleman then mean that if this bill—for example, this year I believe the Polish Social Services Organization in Philadelphia is to be awarded a \$50,000 grant due to the efforts of this caucus—were to pass, they would not receive that grant but they would have to apply to the secretary for a piece of this \$2 million?

Senator ROCKS. Not necessarily, Mr. President. It means that money may well be available to them for what other needs they may have, as I am sure some of it is being used today, but this speaks to a specific purpose and in a much broader sense across the Commonwealth for all nationalities.

Senator FUMO. Mr. President, obviously, I do not think the gentleman is reading the bill correctly, and I thank him for standing for interrogation. I would urge him to sit down and sit with someone who maybe has a better handle on the legislative language process and read the bill. The bill is very clear. First of all, it excludes from this pot of money any group who is performing this service unless they have a primary problem due to language. That is discriminatory, that is exclusionary and it is there. Whether he says it or not, it is very clear. If he does not want that, then I would ask him to let the bill go over until I can prepare an amendment to take out that language. I will make that request formally at the end of my remarks.

Secondly, Mr. President, the bill, on the last page, is very clear. It says "from any other source," and that even includes, in this language, funds that these organizations may be currently receiving from city government, from local county government, that he is cutting off their access to all other monies, and that they will be funded through this process, or I guess they give up this process and try to find it somewhere else. It is basically a shell game. It does nothing for those groups this way, and whether he says it or not, what he wrote in the bill is what it says.

#### REQUEST FOR BILL OVER IN ORDER

Senator FUMO. Mr. President, I would ask that we go over the bill temporarily so that I could have amendments drafted with the Legislative Reference Bureau that would more closely come into the intent the gentleman speaks of.

The PRESIDENT. Is the gentleman asking the Chair to take action to take this bill over?

Senator FUMO. I am asking whatever is the proper procedure, Mr. President, at this time, to ask that the bill go over—

The PRESIDENT. Senator Fumo has asked that the bill go over in its order.

Senator FUMO. Mr. President, or at least temporarily, if we want to wait for amendments so I can straighten out the problems that seem to be in the bill. We could do it tomorrow or we can go over temporarily tonight and wait, either way. I do think it is imperative that if we are not going to be exclusionary, if we are not going to be discriminatory, if we are not going to practice, basically, reverse discrimination and if we are not going to cut off the sources of funds to these organizations, that we would be very clear about them in the bill.

The PRESIDENT. The Chair thanks the gentleman and would remind the gentleman that according to the Rules and the practices of the Senate, we can take bills over in their order, even temporarily, only with unanimous consent, without objection. Is there an objection to taking this bill over in its order?

Senator BRIGHTBILL. I would object, Mr. President.

The PRESIDENT. Senator Brightbill objects to taking the bill over at this time.

And the question recurring,  
Shall the bill pass finally?

Senator FUMO. Mr. President, I cannot believe that the Majority is passing this bill in this shoddy fashion. I have to question the motives at this point in time. I cannot believe that they will not extend to me the common courtesy to go to the Legislative Reference Bureau today and get amendments for this based upon my interrogation of Senator Rocks, who was not here earlier, or else I would have spoken to him. He was on legislative leave. Be that as it may and if that is the attitude of the Majority Party, I will remember it and someday I will return the favor exponentially. At this point in time then, Mr. President, I guess we have no choice but to vote for this bill and urge our colleagues in the House to right the wrongs that have been done and to stop the political grandstanding on behalf of Senator Rocks in which he attempts to tell people he is doing one thing for them and in the same piece of legislation does the opposite.

#### POINT OF ORDER

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

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, the gentleman is questioning the motives of a Member.

The PRESIDENT. The Chair thanks the gentleman and agrees with the gentleman. The Chair believes sincerely that the gentleman from Philadelphia has completed his remarks anyway.

Senator ROCKS. Mr. President, I rise just simply to ask all my colleagues, many of whom on both sides of the aisle have worked for several years on this legislation, to consider it fully on its merits. It has been a long-term effort. It has been fully, publicly heard. There has been much work done to reach the point that we are at on consideration of this, its final passage in this Senate. I would ask for the support of my colleagues in the Senate.

Senator AFFLERBACH. Mr. President, I certainly would not question the motives of the gentleman in putting forth this bill, but I would have to question my ability to understand the written language, if I am to believe his interpretation of what is written in this bill. The fact of the matter is that the bill contains, in my opinion, two fatal flaws. The first fatal flaw is that it begins to hand out social services based upon ethnic criteria. It has always been the position of this Commonwealth that people in need are people in need regardless of ethnicity

or language. I think for this Commonwealth to move forward and to begin to set arbitrary standards of language barriers or arbitrary standards of ethnicity as the standards for meeting their needs is a step backward, not forward. Secondly, the bill contains a fatal flaw in the section on page 8 referred to by the gentleman from Philadelphia, Senator Fumo. Essentially, we are creating the largest boondoggle, bureaucratic boondoggle, if you will, in implementation of a piece of legislation that I have seen in quite some time. The language is quite clear. It says that funds from any other sources currently provided for social services shall not be utilized and, rather, the funds put forth by this bill shall be utilized. Exactly what does that mean? I think it means precisely what Senator Fumo has indicated. Other state funds, other county funds, other municipal funds that are presently utilized to provide these social services will now be in question. The question will be, should they, in fact, be used if this act can be accessed? To me that means two things. The first is that the bureaucracy will have a terrible time administering the bill. The second is that the very needed services will be delayed to the people who need them most. Under both the conditions I have described, I have no choice but to vote against this legislation and particularly because the gentleman is obstinate in giving us the ability to amend the language, to indeed promote his intent rather than what is stated here.

Senator WILLIAMS. Mr. President, I have some reservations about this bill. They fall in two categories. One is the technical limitation that has been pointed out by the last two speakers and, secondly, I do agree that it probably should lend itself to expansion to include some other groupings who also have disabilities, so to speak, or impediments, so to speak, in getting to the bureaucracy to get help. I do want to make it abundantly clear though that I do not find anything wrong with the ethnic aspect of the bill, so to speak. We are a nation of ethnics. We have always given recognition to the fact that we are a melting pot, and some of these serious things provide some advantages sometimes and sometimes disabilities. So I wanted to make it very clear that the gentleman's bill, as far as I am concerned in that connection, does not contain a flaw but contains an asset that we always recognize. I wanted to make that clear that my opposition, a vote against the bill, will be based on the first two factors, and I respect the gentleman's specification that ethnic areas do, in fact, compose what we are about. In opposing the bill, I wanted to make that abundantly clear.

#### LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I request a temporary Capitol leave for Senator Hess.

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

Senator FUMO. Mr. President, I would like to ask for temporary Capitol leave on behalf of Senator Musto.

The PRESIDENT. Senator Musto will receive temporary Capitol leave unless there is an objection. The Chair hears none. The leave will be granted.

#### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

Senator FUMO. Mr. President, on the bill, as I said earlier, I may have been misinterpreted and I do not want the remarks of the gentleman from Philadelphia, Senator Rocks, to go into the record unanswered. I do not want people to think that we support the concept that he has put forth, at least not on this legislation. We will vote yes for this, at least I will urge my colleagues to do that, reluctantly, and we will urge the House to straighten out the gross errors that are in the bill. We are being forced to do this because of the Majority control of the process today, but I think this bill is fatally flawed. It cuts out funds for these organizations, and while I do not want to get into motivations, it is very clear that what the proponent of the bill says on the floor is distinctly different from what the bill says. He is not going to fool me with that and, hopefully, we will straighten it out in the House. I hope he does not get the opportunity to fool the poor people who need the money and, hopefully, the media will report it appropriately. We are not voting yes because we agree that the bill says what he says it says, because it does not, but we are voting yes because we do not want to give a wrong signal to those people who need the money. This is basically a con job, and I guess we are forced into it, rather than set a bad precedent and hurt those people who do, in fact, need the money. We recognize the bill will probably go nowhere in the House in its present form.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—47

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

#### NAYS—1

Afflerbach

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 927 (Pr. No. 1568)** — 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 individual transition plans for handicapped students; 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 AFFLERBACH. Mr. President, on this particular bill I rise specifically to urge unanimous support of this Chamber for passage of this legislation. Senate Bill No. 927 marks, essentially, four years of very hard work and many revisions in attempting to establish legislation that will provide transition planning for our many handicapped students who are presently within the Commonwealth. As you know, we provide relatively excellent programs for the handicapped, mentally handicapped, physically handicapped and multiply handicapped in our school systems, but that ends at age twenty-one or at such time as the student may graduate. From that point into adulthood, we found that we have significant difficulty in moving the student from a life of being a student into one of being a productive adult to the greatest extent that their particular handicap will permit them to do. This legislation establishes the transition planning necessary to take that student from the school system into the working world into adulthood. There are some excellent examples in this Commonwealth of school districts that are already doing the transition planning. Altoona is one, the City of Philadelphia is one. I very strongly believe that each of the other school districts in the Commonwealth can replicate those programs.

There are some individuals who believe that the legislation should be further amended to specifically indicate that we are also talking about those individuals who suffer sensory deprivation and, indeed, if we debated it at length, we could probably find other amendments. But the point is, this bill at this time is a very significant step forward for the transition planning for our handicapped citizens, and I would hope that this Senate will pass it with a unanimous vote.

And the question recurring,

Shall the bill pass finally?

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

YEAS—48

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
Bodack	Jubelirer	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout

Corman	Lewis	Regoli	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fumo	Loeper	Rhoades	Williams
Greenleaf	Lynch	Rocks	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 present said bill to the House of Representatives for concurrence.

**SB 929 (Pr. No. 1058)** — The Senate proceeded to consideration of the bill, entitled:

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.

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—48

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
Bodack	Jubelirer	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Corman	Lewis	Regoli	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fumo	Loeper	Rhoades	Williams
Greenleaf	Lynch	Rocks	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 present said bill to the House of Representatives for concurrence.

**SECOND CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**HB 71, SB 258 and 854** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 1067 (Pr. No. 1592)** — 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," providing for earned time; and making a repeal.

Considered the second time and agreed to,

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

**BILL OVER IN ORDER**

**HB 1883** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**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 CHILDREN'S TRUST FUND BOARD**

June 13, 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, Carmen R. Anderson, 5081 Rosecrest Drive, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified, pursuant to Act 151, approved December 15, 1988.

ROBERT P. CASEY.

**MEMBER OF THE CHILDREN'S TRUST FUND BOARD**

June 13, 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, Kathleen L. Rodgers, 376 Ben Avon Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of two years, and until her successor is appointed and qualified, pursuant to Act 151, approved December 15, 1988.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF OPTOMETRY**

June 26, 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, Janet E. Summers, O.D., Box 196, R. D. 3, School Road South, Export 15632, Westmoreland County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

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

June 22, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Balducci, 506 Hickory Street, Peckville 18452, 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, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

June 8, 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, Phyllis C. Skinner (Republican), R. D. 1, Box 189B, Pleasantville 16341, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE MONROE COUNTY BOARD OF ASSISTANCE**

June 9, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen Cadue (Democrat), Box 116, Reeders 18352, Monroe County, Twenty-ninth Senatorial District, for appointment as a member of the Monroe County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Jacqueline M. Schoettle, Pocono Pines, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

**YEAS—48**

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

**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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF ASHLAND STATE GENERAL HOSPITAL

May 30, 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, Susan I. Urban, 7 Linden Court, R. D. 2, Ashland 17921, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Ashland State General Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Arthur Bohard, Frackville, whose term expired.

ROBERT P. CASEY.

On the question, Will the Senate advise and consent to the nomination?

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

YEAS—22

Afflerbach	Jones	O'Pake	Scanlon
Andrezeski	Lewis	Porterfield	Stapleton
Belan	Lincoln	Regoli	Stewart
Bodack	Lynch	Reibman	Stout
Dawida	Mellow	Ross	Williams
Fumo	Musto		

NAYS—26

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

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

Ordered, That the Governor be informed accordingly.

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:

JUDGE, TRAFFIC COURT

May 30, 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, Frank Little, 339 East Loudon Street, Philadelphia 19120, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1990, vice The Honorable Raymond A. Malone, resigned.

ROBERT P. CASEY.

JUDGE, TRAFFIC COURT

May 25, 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, Thomasine Tynes, 369 East Cliveden Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1990, vice The Honorable Salvatore DeMeo, deceased.

ROBERT P. CASEY.

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

YEAS—22

Afflerbach	Jones	O'Pake	Scanlon
Andrezeski	Lewis	Porterfield	Stapleton
Belan	Lincoln	Regoli	Stewart
Bodack	Lynch	Reibman	Stout
Dawida	Mellow	Ross	Williams
Fumo	Musto		

NAYS—26

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

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

PROTHONOTARY, BLAIR COUNTY

September 21, 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, Jerry A. Stern, R. D. #2, Martinsburg 16662, Blair County, Thirtieth Senatorial District, for appointment as Prothonotary, in and for the County of Blair, to serve until the first Monday of January, 1990, vice Vernon D. Weicht, resigned.

ROBERT P. CASEY.

On the question, Will the Senate advise and consent to the nomination?

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

## YEAS—48

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

## NAYS—0

A constitutional two-thirds 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:

#### JUDGE, COMMONWEALTH COURT

October 16, 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 June 2, 1989 for the appointment of Dante Robert Pellegrini, 5928 Bryant Court, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Commonwealth Court of Pennsylvania, to serve until the first Monday of January, 1990, vice The Honorable John A. MacPhail, resigned.

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

### SENATE RESOLUTION

#### SUPPORTING OCTOBER 22 THROUGH 29, 1989, AS "RED RIBBON WEEK"; AND ENCOURAGING CITIZENS OF THIS COMMONWEALTH TO PARTICIPATE IN DRUG-PREVENTION EDUCATION ACTIVITIES

Senators GREENLEAF, HOLL, JUBELIRER, SALVATORE, WENGER, REIBMAN, ROCKS, SHUMAKER, JONES, BELAN, REGOLI, PORTERFIELD, FISHER, CORMAN, LEMMOND, PECORA, LYNCH, O'PAKE and HELFRICK offered the following resolution (Senate Resolution No. 111), which was read, considered and adopted:

In the Senate, October 17, 1989.

#### A RESOLUTION

Supporting October 22 through 29, 1989, as "Red Ribbon Week"; and encouraging citizens of this Commonwealth to participate in drug-prevention education activities.

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages, and the 15-24 year old age group is dying at a faster rate than any other age group; and

WHEREAS, It is imperative that visible, unified prevention education efforts be launched to reduce the demand for drugs; and

WHEREAS, The National Federation of Parents for Drug-Free Youth is sponsoring the National Red Ribbon Campaign, offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week," October 22 through 29, 1989; and

WHEREAS, President George Bush and Mrs. Barbara Bush are the National Honorary Chairmen, and Governor and Mrs. Robert P. Casey are the State Honorary Chairmen to provide this focus on a Drug-Free America; and

WHEREAS, Business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, military, sports teams and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania support October 22 through 29, 1989, as "Red Ribbon Week" and encourage the citizens of this Commonwealth to participate in drug-prevention education activities, making a visible statement that we are strongly committed to a drug-free America.

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Paul Miniszak, Mr. and Mrs. William T. Davis and to Mr. and Mrs. Harold J. Mayer by Senator Bell.

Congratulations of the Senate were extended to His Majesty King Moshoeshoe II of Lesotho by Senator Fattah.

Congratulations of the Senate were extended to Dave Cass, Michael Balot, Sean Buchanan, John E. Edwards, Edward A.

Appell, Elmer Kriebel, Debra R. Bergmann, Peter Schecter and to Michelle Dunn by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. James O. Fritz, Mr. and Mrs. V. Jay Dent, Mr. and Mrs. Jack Letteer, Mr. and Mrs. Martin Oakes, Mr. and Mrs. Eugene Hendricks, Mr. and Mrs. Richard S. Hummel, Mr. and Mrs. Harry L. Wagner and to Allen Gunther by Senator Helfrick.

Congratulations of the Senate were extended to the Lower Providence Township Volunteer Fire Company of Eagleville by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Dewey Hancock and to the Servants of Charity and the Daughters of St. Mary of Providence by Senator Loeper.

### BILLS ON FIRST CONSIDERATION

Senator MADIGAN. 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 29, 48, 189, 377, 514, 678, 717, 800, 806, 1056, 1057, 1112, 1156, 1216, 1258, 1268, HB 202, 211, 376, 744 and 1569.**

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

October 17, 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, Eileen Foster, 606 North Seventeenth Street, Harrisburg 17103, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of two years, and until her successor is appointed and qualified, pursuant to Act 151, approved December 15, 1988.

ROBERT P. CASEY.

#### MEMBER OF THE PERRY COUNTY BOARD OF ASSISTANCE

October 17, 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, Gilbert L. Clouse (Democrat), 5 Valley Ranch Road, Shermansdale 17090, Perry County, Thirty-third Senatorial District, for appointment as a member of the Perry County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Jane S. Clouser, Duncannon, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PERRY COUNTY BOARD OF ASSISTANCE

October 17, 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, Harvey L. Clouse (Democrat), P. O. Box 16, Loysville 17047, Perry County, Thirty-third Senatorial District, for appointment as a member of the Perry County Board of Assistance, to serve until December 31, 1990, and until his successor is appointed and qualified, vice Linda Speece Sheaffer, Millerstown, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PERRY COUNTY BOARD OF ASSISTANCE

October 17, 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, Thelma A. Teats (Democrat), P. O. Box 25, Liverpool 17045, Perry County, Thirty-third Senatorial District, for appointment as a member of the Perry County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Robert E. Hipple, Marysville, whose term expired.

ROBERT P. CASEY.

### BILLS INTRODUCED AND REFERRED

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

October 17, 1989

Senators GREENLEAF, HELFRICK and PORTERFIELD presented to the Chair **SB 1296**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for blood and urine testing.

Which was committed to the Committee on JUDICIARY, -  
October 17, 1989.

Senator PETERSON presented to the Chair **SB 1297**, entitled:

An Act amending the act of October 21, 1988 (P. L. 962, No. 114), entitled "Highway Supplement to the Capital Budget Act of 1987-1988," further describing a highway project in McKean County.

Which was committed to the Committee on TRANSPORTATION, October 17, 1989.

Senator GREENLEAF presented to the Chair **SB 1298**, entitled:

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding a local project in Montgomery County.

Which was committed to the Committee on TRANSPORTATION, October 17, 1989.

Senators CORMAN, HELFRICK, BRIGHTBILL, O'PAKE, WILT, DAWIDA, WENGER, STAPLETON, SHUMAKER, SHAFFER and PORTERFIELD presented to the Chair **SB 1299**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of farm truck plates.

Which was committed to the Committee on TRANSPORTATION, October 17, 1989.

Senators CORMAN, MADIGAN, HESS, AFFLERBACH, SHUMAKER, SHAFFER and LEMMOND presented to the Chair **SB 1300**, entitled:

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

Which was committed to the Committee on JUDICIARY, October 17, 1989.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 18, 1989

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Senate Resolution No. 71 New Jersey and New York Sludge)	Room 8E-A Hearing Room East Wing
10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 818, 862, 1032 and House Bill No. 1335)	Room 461 4th Floor Conference Room North Wing
Off The Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Committee Conference Room

THURSDAY, OCTOBER 19, 1989

10:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing to hear testimony concerning Senate Bill No. 675)	Erie City Hall Council Chamber 626 State St. Erie, PA
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MONDAY, OCTOBER 23, 1989

1:00 P.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bill No. 1261 and House Bill No. 268)	Room 461 4th Floor Conference Room North Wing
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TUESDAY, OCTOBER 24, 1989

10:30 A.M.	GAME AND FISHERIES (to consider House Bills No. 455 and 650)	Room 461 4th Floor Conference Room North Wing
10:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 183, 184, 185, 731, 733, 834, 857, 858, 894, 932, 957, 1048, 1133, 1273 and 1291, House Bills No. 837, 838, 839 and 1774 and any other business that shall come be- fore the committee)	Room 460 4th Floor Conference Room North Wing

WEDNESDAY, OCTOBER 25, 1989

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Senate Bill No. 1219 Environmental Packaging and Labeling Act)	Room 8E-A Hearing Room East Wing
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### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, October 18, 1989, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:15 p.m., Eastern Daylight Saving Time.