

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 2, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 53

### SENATE

TUESDAY, October 2, 1990.

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, Reverend ROBERT SHARMAN, Assistant Pastor of Saint Catherine Laboure Church, Harrisburg, offered the following prayer:

Almighty God, You are the source of every blessing and gift. We look to You in a constantly changing world.

Help us to be mindful of the good and the true. Lead us in ways of peace and justice. Be with us this day as we work in harmony and peace for the building of a better state and a better nation.

Lord, may everything we do begin with Your inspiration, continue with Your help, so that all of our deliberations and work may begin in You and by You be happily ended.

Glory and praise to You forever and ever. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 1, 1990.

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.

### REPORTS FROM COMMITTEES

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

**SB 1062 (Pr. No. 1253)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the suspension of license in relation to driving under the influence.

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

**SB 1470 (Pr. No. 2546) (Amended) (Rereported)**

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

**SB 1733 (Pr. No. 2507) (Rereported)**

An Act providing for certain debt reports to be submitted by cities of the first class to the State Treasurer.

**SB 1773 (Pr. No. 2547) (Amended) (Rereported)**

An Act providing for a flag for firefighters who have died in the line of duty; providing for responsibility of the Pennsylvania State Fire Commissioner; and making an appropriation from contributions.

**HB 614 (Pr. No. 4196) (Amended) (Rereported)**

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), known as the "Oil and Gas Act," further providing for definitions, well permits, well registration, inactive status, plugging requirements, well reporting requirements, bonding, the Oil and Gas Technical Advisory Board, public nuisances, civil penalties, determination of compliance, unlawful conduct, surcharges for new wells; exempting certain wells from bonding requirements; and further providing for local ordinances.

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

**SB 898 (Pr. No. 1027)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

**SB 1030 (Pr. No. 1202)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the status of payments received by foster parents.

**SB 1715 (Pr. No. 2398)**

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," providing for an alternative board for the assessment and revision of taxes in counties of the third class.

**SB 1746 (Pr. No. 2442)**

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, establishing a health insurance account to be administered by the Public School Employees' Retirement System; increasing contributions for certain employees; and further providing for investment earnings of the Pennsylvania School Employees' Retirement Fund.

Senator PECORA, from the Committee on Local Government, reported the following bills:

**SB 965 (Pr. No. 1109)**

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing fees for evidence of payment of tax.

**SB 1379 (Pr. No. 1763)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for certain tax levies.

**SB 1380 (Pr. No. 1764)**

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for certain tax levies.

**SB 1381 (Pr. No. 1765)**

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for certain tax levies.

**SB 1510 (Pr. No. 1991)**

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing cable television systems.

**SB 1648 (Pr. No. 2256)**

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," regulating municipal claims and liens.

**SB 1705 (Pr. No. 2544) (Amended)**

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 tax on hotel room rentals; and providing for appropriations to tourist promotion agencies.

**HB 250 (Pr. No. 680)**

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," authorizing counties to extend the time for certain unpaid taxes and to defer certain unpaid taxes.

**HB 253 (Pr. No. 3040)**

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," permitting interests in police pension funds to vest after 12 years under certain conditions; providing for the amount of the retirement allowance benefit vested; and adding a definition.

**HB 895 (Pr. No. 3609)**

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for credit for military service.

**HB 1199 (Pr. No. 1377)**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," authorizing the appointment of a second deputy controller.

**HB 1771 (Pr. No. 2208)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the appointment of an accountant or a firm to audit accounts.

**HB 2139 (Pr. No. 2820)**

An Act amending the act of April 8, 1982 (P. L. 303, No. 85), known as the "Second Class County Prothonotary Fee Act," increasing certain fees.

**HB 2617 (Pr. No. 3595)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the disclosure of confidential tax information by certain persons.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

**SB 1763 (Pr. No. 2543) (Amended)**

An Act prohibiting unconscionable pricing for certain fuel products; providing for enforcement and remedies; and conferring powers and duties on the Attorney General.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bill:

**SB 1711 (Pr. No. 2542) (Amended)**

An Act providing for a port district in the southwestern portion of the Commonwealth; establishing the Port of Pittsburgh Commission and providing for its powers and duties; establishing the Port Development Fund; and further establishing the Pittsburgh Regional Intermodal Freight Corporation.

**REGULATIONS REPORTED**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been submitted, without objection, to the Independent Regulatory Review Commission:

State Board of Accountancy Reg. #16A-220; and

State Board of Social Work Examiners Reg. #16A-256.

**LEGISLATIVE LEAVE**

Senator STEWART. Mr. President, we would ask for temporary Capitol leave for Senator Williams.

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

**LEAVE OF ABSENCE**

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

**CALENDAR****HB 2066 CALLED UP OUT OF ORDER**

**HB 2066 (Pr. No. 4182)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 2066 (Pr. No. 4182)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land and a right-of-way situate in Canaan Township, Wayne County; to convey to the County of Warren a tract of land and the buildings erected thereon in Conewango Township, Warren County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey to Snyder County a tract of land and the buildings erected thereon in Penn Township, Snyder County, Pennsylvania; and making a repeal.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEAS—49**

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

**NAYS—0**

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

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

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet off the floor during the Session to consider Senate Bills No. 775, 1570, House Bill No. 1960, Senate Resolution No. 189 and certain nominations.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room,

with an expectation of returning to the floor at approximately 2:30 p.m.

Senator STAPLETON. Mr. President, we are asking all the Democrats to report to their caucus room immediately.

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.

**REPORTS FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills on concurrence in House amendments:

**SB 775 (Pr. No. 2485)**

An Act amending Titles 20 (Decedents, Estates and Fiduciaries) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; adding provisions relating to guardians of incapacitated persons; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; permitting certain powers of attorney to be executed by mark; ensuring the validity of durable powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; further authorizing the court to grant declaratory relief with respect to certain interests in real property; exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; adding conforming amendments to Titles 13, 18, 23 and 42; amending Title 72 to exempt spousal transfers from inheritance taxation; and making technical changes.

**SB 1570 (Pr. No. 2511)**

An Act amending the act of December 22, 1988 (P. L. 1915, No. 193), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor and

the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Baily, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife;....," further providing for the conveyance of real estate to the Greater Wilkes-Barre Industrial Fund; and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Nevillewood Associates, L.P., 75.346 acres of land, more or less, situate in Collier Township, Allegheny County, Pennsylvania.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

**HB 1960 (Pr. No. 4200) (Amended) (Rereported)**

An Act requiring the superintendent of every public school district to make available, upon request, lists of seniors to armed forces recruiters; and providing a penalty.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

**SR 189 (Pr. No. 2530)**

A Resolution proclaiming October 10, 1990, as "Founding of the Republic of China Day"; and congratulating the Republic of China.

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

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator WILT, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

June 12, 1990.

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, Edward S. Lawhorne, Esquire, 407 Moylan Avenue, Moylan 19065, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Francis J. Catania, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LANCASTER COUNTY

July 17, 1990.

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, Lawrence F. Stengel, Esquire, 933 Virginia Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lancaster County, to serve until the first Monday of January, 1992, vice The Honorable Ronald L. Buckwalter, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
SEVENTEENTH JUDICIAL DISTRICT

July 25, 1990.

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, Harold F. Woelfel, Jr., Esquire, R. D. 3, Box 179, Middleburg 17842, Snyder County, Twenty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of the Seventeenth Judicial District, to serve until the first Monday of January, 1992, vice The Honorable James F. McClure, Jr., resigned.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

July 2, 1990.

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, Warren J. Broz, 1813 Fairacres Avenue, Pittsburgh 15216, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

July 2, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bart E. Burne, Ed.D., 202 North Highland Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

July 2, 1990.

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, Wayne R. Gilbert, 1430 Overhill Road, West Chester 19382, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

July 2, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Mitchell, 180 South Washington Street, Wilkes-Barre 18701, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

July 2, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodney E. Steffy, Sr., 1300 Alsace Road, Reading 19604, Berks County, Eleventh Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL  
POLICE OFFICERS' EDUCATION  
AND TRAINING COMMISSION

July 2, 1990.

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, Violet L. Stover, 112 Penn Street, Millheim 16854, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

July 2, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carolyn W. Young, 2814 Morlock Street, McKeesport 15132, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission to serve until February 21, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

TREASURER, ALLEGHENY COUNTY

August 21, 1990.

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, Mary Alice McDonough, 233 Edgewood Avenue, A-9, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for appointment as Treasurer, in and for the County of Allegheny, to serve until the first Monday of January, 1992, vice Jay Costa, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

August 15, 1990.

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, Dorothy S. Hartleib, 4925 Woodbox Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

### HB 1220 AND HB 1221 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 1220, Printer's No. 2633, and House Bill No. 1221, Printer's No. 2634, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

### HOUSE MESSAGE

#### RESOLUTION RECALLING FROM THE SENATE HB 200

The Clerk of the House of Representatives presented an extract from the Journal of the House which was read, considered and concurred in:

Recalling House Bill 200, Printer's No. 3890 from the Senate.

RESOLVED (the Senate concurring), That House Bill No. 200, Printer's No. 3890, entitled "An act declaring and adopting the song 'Pennsylvania,' lyrics and music by Eddie Khoury and Ronnie Bonner, as the State song of the Commonwealth of Pennsylvania," be recalled from the Senate for the purpose of further consideration.

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

**CONSIDERATION OF CALENDAR RESUMED**

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE**

**SB 750 (Pr. No. 2541)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further defining "project"; adding a definition for "working capital"; further providing for the general powers and duties of an authority; further providing for contract procedures, purchases and advertising for bids; and providing a penalty.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 750.

On the question,

Will the Senate agree to the motion?

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Jones and Senator Porterfield.

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Shaffer. Without objection, the leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

**YEAS—49**

|            |           |             |           |
|------------|-----------|-------------|-----------|
| Afflerbach | Greenleaf | Loeper      | Rhoades   |
| Andrezski  | Greenwood | Lynch       | Rocks     |
| Armstrong  | Helfrick  | Madigan     | Scanlon   |
| Baker      | Hess      | Mellow      | Shaffer   |
| Belan      | Holl      | Musto       | Shumaker  |
| Bell       | Hopper    | O'Pake      | Stapleton |
| Bodack     | Jones     | Pecora      | Stewart   |
| Brightbill | Jubelirer | Peterson    | Stout     |
| Corman     | LaValle   | Porterfield | Tilghman  |

|        |         |         |          |
|--------|---------|---------|----------|
| Dawida | Lemmond | Punt    | Wenger   |
| Fattah | Lewis   | Regoli  | Williams |
| Fisher | Lincoln | Reibman | Wilt     |
| Fumo   |         |         |          |

**NAYS—0**

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

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

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 16 (Pr. No. 4102)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," regulating administrative expenses; further providing for the definition of "county employe"; adding a definition; further providing for service allowance and simultaneous payments of salary and retirement allowance; authorizing members to reduce their contributions; further providing for credit for military service; and further providing for involuntary retirement allowance.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEAS—49**

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

**NAYS—0**

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

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

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 310 (Pr. No. 1306)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for mandatory sentencing for convictions for certain drug offenses.



Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator HOPPER, by unanimous consent, offered the following amendment No. A3664:

Amend Sec. 1 (Sec. 6314), page 2, line 24, by striking out "OR"

Amend Sec. 1 (Sec. 6314), page 2, line 25, by inserting after "CENTER": or public park

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator BODACK, on behalf of Senator WILLIAMS, by unanimous consent, offered the following amendment No. A3748:

Amend Sec. 1 (Sec. 6314), page 3, by inserting between lines 21 and 22:

(d.1) Place of confinement.—Notwithstanding the provisions of this title or any other statute to the contrary, persons sentenced under the provisions of this section shall be committed to the Department of Corrections for confinement in State correctional facilities.

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 BODACK.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 502 (Pr. No. 3264)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for tax levies.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

**YEAS—49**

|            |           |             |           |
|------------|-----------|-------------|-----------|
| Afflerbach | Greenleaf | Loeper      | Rhoades   |
| Andrezski  | Greenwood | Lynch       | Rocks     |
| Armstrong  | Helfrick  | Madigan     | Scanlon   |
| Baker      | Hess      | Mellow      | Shaffer   |
| Belan      | Holl      | Musto       | Shumaker  |
| Bell       | Hopper    | O'Pake      | Stapleton |
| Bodack     | Jones     | Pecora      | Stewart   |
| Brightbill | Jubelirer | Peterson    | Stout     |
| Corman     | LaValle   | Porterfield | Tilghman  |

Dawida  
Fattah  
Fisher  
Fumo

Lemmond  
Lewis  
Lincoln

Punt  
Regoli  
Reibman

Wenger  
Williams  
Wilt

**NAYS—0**

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

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

**SB 1116 (Pr. No. 1942)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "tangible personal property" with respect to prebuilt housing; and further providing for the imposition of the tax on prebuilt housing.

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 MELLOW. Mr. President, I very reluctantly must take to the floor and ask for a negative vote on Senate Bill No. 1116. Mr. President, the passage of this proposal would have a significant input into the negotiated budget that took place this past summer. In fact, if the figures I have before me serve me correctly, the impact on the budget for this particular fiscal year we are now three months into is approximately \$14.6 million. Although, Mr. President, the proposal may have some merit to it, it was not part of the original budget negotiation. Everyone is totally aware of the fact that we are in a very tight budgetary period of time, and I would have to ask for a negative vote on Senate Bill No. 1116, based on the fact that it is an additional expenditure of \$14.6 million. It, in fact, was not part of our negotiated budget that was participated in on behalf of both Democrats and Republicans in the House and in the Senate and, therefore, Mr. President, it would have a significant impact on the finances of this fiscal year. I would, therefore, ask for a negative vote.

Senator FISHER. Mr. President, I rise to urge support for Senate Bill No. 1116. I am cognizant of the existence of a fiscal note that recites the figures that were cited by the gentleman from Lackawanna, Senator Mellow. However, I do not agree with the way in which those figures were calculated. What is important about Senate Bill No. 1116 is there is a great disparity between the taxes paid on manufactured housing for homeowners who live in manufactured housing and homeowners who live in private residences on their own lots. What I saw in my Senatorial district, where we do not have any substantial numbers of trailer courts, as they are called which were actually rather nice places where people who are reaching their 60th or 65th birthdays have decided to move into in order to have a smaller home and yet have some feeling of ownership. They are ideal locations for our seniors but, in fact, the current tax is discriminatory. This bill will

eliminate that discrimination. It will say that the manufacturer will pay the six percent tax at the time of construction, but that the tax on subsequent sales of those homes will be the real estate transfer tax which is the same as everyone else pays. I think that is equity. I understand the realities of this situation. I understand that we are reaching the end of this Session, but I think it is time we address this inequity. I would hope it would be an inequity that, if not finally resolved this Session, would be something that clearly could be considered in the next legislative Session. I believe that Senate Bill No. 1116 is a fair approach, it is a correct approach, it is a proper approach, and it is one on which I would urge the affirmative support of my colleagues.

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—27

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

## NAYS—22

|            |         |             |           |
|------------|---------|-------------|-----------|
| Afflerbach | Fumo    | Musto       | Scanlon   |
| Andrezski  | Jones   | O'Pake      | Stapleton |
| Belan      | LaValle | Porterfield | Stewart   |
| Bodack     | Lincoln | Regoli      | Stout     |
| Dawida     | Lynch   | Reibman     | Williams  |
| Fattah     | 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 1271 (Pr. No. 2187)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further providing for the amounts and utilization of demand response entitlement grants.

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 MELLOW. Mr. President, once again I reluctantly must rise to take to the floor, basically for the same type of discussion that we had on the previous bill, Senate Bill No. 1116. Once again, Mr. President, we spent many hours in a bipartisan form of discussion to try to properly formulate a budget. There was a lot of time and a lot of effort put in by the respective leaders and the respective Chairmen of the Committee on Appropriations in the House and the Senate.

Once again, Mr. President, this was not part of the negotiated compromise that was reached back in June for the purpose of finalizing a budget. The fiscal impact on fiscal year 1990-91 with the passage of this particular proposal is \$4 million on the General Fund budget. It is an additional \$1.7 million on the Lottery Fund or a total of \$5.7 million. Mr. President, had this been part of the budgetary negotiations and a part of the compromise, then I would be standing in front of the Senate right now supporting the proposal and asking for its final passage, but it was not. Between the last bill, Senate Bill No. 1116, and Senate Bill No. 1271, there is an impact of \$18.6 million on the General Fund budget. There is an impact of an additional \$1.7 million on the Lottery Fund or a net impact on the lottery and the General Fund in excess of \$20 million. Mr. President, if the money is not there for it, we are basically misleading people by telling them we can pass this proposal and it will be implemented into law. For those reasons, Mr. President, forgetting how meritorious the proposal may be, I must ask for a negative vote on the proposal.

Senator LOEPER. Mr. President, I think that one thing we have before us in Senate Bill No. 1271 is really an additional flexibility that we are trying to grant to those transportation consortiums that rely on Pennsylvania state funds in order to get their vehicles to transport not only the elderly but also the disabled, the mental health/mental retardation clients and also public assistance recipients. One of the problems that we consistently heard from those agencies, Mr. President, has been that although the grants thus far have been able to purchase new vehicles for them, one of the major problems that these agencies face is that of a maintenance problem, and that is that they cannot use these funds in order to maintain vehicles in order to keep them on the roads to provide the needed rides for the groups which I have just mentioned. The bill does call for some additional assistance to these agencies in order to acquire new vehicles, but I think the most important part of it is to give these agencies more flexibility in maintaining their vehicle fleets and having access to transportation for those disabled parties. I would ask for an affirmative vote.

## LEGISLATIVE LEAVES

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

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

Senator MELLOW. Mr. President, also, Senator Lynch and Senator Musto have been called to their offices and I request temporary Capitol leaves for them.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Lynch and Senator Musto. Those leaves will also, without objection, be granted.

And the question recurring,  
Shall the bill pass finally?

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



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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—30

Table with 4 columns: Afflerbach, Greenleaf, Loeper, Rocks; Andrezeski, Greenwood, Madigan, Shaffer; Armstrong, Helfrick, Pecora, Shumaker; Baker, Hess, Peterson, Stewart; Bell, Holl, Punt, Tilghman; Brightbill, Hopper, Reibman, Wenger; Corman, Jubelirer, Rhoades, Wilt; Fisher, Lemmond.

NAYS—19

Table with 4 columns: Belan, Jones, Mellow, Scanlon; Bodack, LaValle, Musto, Stapleton; Dawida, Lewis, O'Pake, Stout; Fattah, Lincoln, Porterfield, Williams; Fumo, Lynch, Regoli.

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 1642 (Pr. No. 2250) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," further providing for confidentiality of records.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—49

Table with 4 columns: Afflerbach, Greenleaf, Loeper, Rhoades; Andrezeski, Greenwood, Lynch, Rocks; Armstrong, Helfrick, Madigan, Scanlon; Baker, Hess, Mellow, Shaffer; Belan, Holl, Musto, Shumaker; Bell, Hopper, O'Pake, Stapleton; Bodack, Jones, Pecora, Stewart; Brightbill, Jubelirer, Peterson, Stout; Corman, LaValle, Porterfield, Tilghman; Dawida, Lemmond, Punt, Wenger; Fattah, Lewis, Regoli, Williams; Fisher, Lincoln, Reibman, Wilt; Fumo.

NAYS—0

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

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

SB 1666 (Pr. No. 2276) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—49

Table with 4 columns: Afflerbach, Greenleaf, Loeper, Rhoades; Andrezeski, Greenwood, Lynch, Rocks; Armstrong, Helfrick, Madigan, Scanlon; Baker, Hess, Mellow, Shaffer; Belan, Holl, Musto, Shumaker; Bell, Hopper, O'Pake, Stapleton; Bodack, Jones, Pecora, Stewart; Brightbill, Jubelirer, Peterson, Stout; Corman, LaValle, Porterfield, Tilghman; Dawida, Lemmond, Punt, Wenger; Fattah, Lewis, Regoli, Williams; Fisher, Lincoln, Reibman, Wilt; Fumo.

NAYS—0

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

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

HB 1744 (Pr. No. 2148) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," changing the date for the General primary in 1994; and making a repeal.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—49

Table with 4 columns: Afflerbach, Greenleaf, Loeper, Rhoades; Andrezeski, Greenwood, Lynch, Rocks; Armstrong, Helfrick, Madigan, Scanlon; Baker, Hess, Mellow, Shaffer; Belan, Holl, Musto, Shumaker; Bell, Hopper, O'Pake, Stapleton; Bodack, Jones, Pecora, Stewart; Brightbill, Jubelirer, Peterson, Stout; Corman, LaValle, Porterfield, Tilghman; Dawida, Lemmond, Punt, Wenger; Fattah, Lewis, Regoli, Williams; Fisher, Lincoln, Reibman, Wilt; Fumo.

NAYS—0

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

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

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 1882 (Pr. No. 4089)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on retail theft.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A3736:

Amend Sec. 1 (Sec. 8308), page 2, lines 20 through 28, by striking out all of said lines and inserting:

(1) The plaintiff shall send a notice to the defendant's last known address giving the defendant 20 days to respond before a civil action may be commenced.

(2) No civil action under this section may be maintained if the defendant has paid the plaintiff a penalty equal to the retail value of the merchandise, not to exceed \$500, plus the sum of \$150.

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 GREENLEAF.

#### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**HB 8 and 68** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### BILL REREFERRED

**HB 167 (Pr. No. 4099)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 8, 1959 (P. L. 1718, No. 632), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of employes of State penal and correctional institutions, State mental hospitals, Youth Development Centers, County Boards of Assistance, and under certain conditions other employes of the Department of Public Welfare, who are injured in the performance of their duties; and providing benefit to their widows and dependents in certain cases," extending the act to include employes of the Pennsylvania Board of Probation and Parole's institutional and field operations; further providing for salary and benefit payments; and making an editorial change.

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

##### BILLS OVER IN ORDER

**HB 464, SB 510 and 646** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**HB 727 (Pr. No. 3823)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing prosecuting attorneys to seal affidavits setting forth probable cause for the issuance of a search warrant.

Considered the second time and agreed to,

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

**SB 934 (Pr. No. 2509)** — The Senate proceeded to consideration of the bill, entitled:

An Act imposing duties on kennels and pet shops licensed by the Pennsylvania Department of Agriculture or the United States Department of Agriculture; providing for misrepresentation of pedigree and health of dogs bred for sale; providing for enforcement by the Attorney General; and imposing penalties.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**HB 1023 and 1106** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 1186 (Pr. No. 2985)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the recognition and enforcement of money judgments obtained in another country.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**HB 1289** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 1382 (Pr. No. 2505)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled "The Pennsylvania Workmen's Compensation Act," further providing for the payment of workmen's compensation premiums.

Considered the second time and agreed to,

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

**SB 1395 (Pr. No. 1794)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled "The Pennsylvania Workmen's Compensation Act," providing that volunteer members of hazardous materials response teams be considered employees of the Commonwealth for compensation purposes.

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

#### BILLS OVER IN ORDER

**SB 1573, 1673, 1675 and 1676** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 1761 (Pr. No. 2510)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 13 (Commercial Code), 15 (Corporations and Unincorporated Associations), 17 (Reserved), 20 (Deceit, Estates and Fiduciaries), 22 (Detectives and Private Police), 24 (Education), 42 (Judiciary and Judicial Procedure), 54 (Names) and 69 (Savings and Validating Provisions) of the Pennsylvania Consolidated Statutes, relating to associations; codifying and correcting the law relating to credit unions; providing for the incorporation and regulation of insurance companies; making revisions, corrections and additions relating to other associations; further providing for the fees of the Department of State and certain filing officers; and making repeals.

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

**SB 1772 (Pr. No. 2486)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for administrative law judges, licenses and licensing procedures.

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

#### BILL OVER IN ORDER

**HB 1983** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 2039 (Pr. No. 2677)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing penalties for certain theft offenses committed during man-made disasters, natural disasters or war-caused disasters.

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

#### BILL REREFERRED

**HB 2156 (Pr. No. 2860)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the construction, operation and maintenance of dry cleaning plants in this Commonwealth.

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

#### BILLS OVER IN ORDER

**HB 2284, 2296, 2309 and 2428** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 2432 (Pr. No. 4100)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law," further providing for competitive bids and for purchases that are not subject to advertisement and bidding; and providing a penalty.

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

#### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 2

#### THIRD CONSIDERATION CALENDAR

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

**HB 614 (Pr. No. 4196)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), known as the "Oil and Gas Act," further providing for definitions, well permits, well registration, inactive status, plugging requirements, well reporting requirements, bonding, the Oil and Gas Technical Advisory Board, public nuisances, civil penalties, determination of compliance, unlawful conduct, surcharges for new wells; exempting certain wells from bonding requirements; and further providing for local ordinances.

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 MELLOW. Mr. President, I have no desire to prolong the afternoon, but this is, once again, a proposal of great interest having just been reported today from the Committee on Appropriations and is now being considered on a Supplemental Calendar. I realize full well the bill is being considered because there are a number of people in the gallery who are strongly in favor of the proposal because, by and large, they are involved in the industry. I think we should be taking a much longer look at this proposal than, in fact, we have taken. Mr. President, any discussion that has taken place with my office and any environmental group has shown great concern because of what potentially might be in this particular proposal. It is no secret that environmental groups such as the Sierra Club and others are totally opposed to the passage of this bill. It is also no secret that the Pennsylvania Federation of Sportsmen and the Pennsylvania Fish Commission are totally opposed to the proposal. In addition, Mr. President,

the Pennsylvania Environmental Council, which has been a leading spokesperson to protect the environment for the past 20 years, has expressed a very strong desire that this proposal be defeated.

Mr. President, having said that and not wanting to, at this point in time, get overly involved with the merits of the proposal, I would just like to share one more piece of information. That is a letter that has been submitted to the Chairman of the Committee on Environmental Resources in the Senate which was signed by the Secretary of the Department of Environmental Resources, Secretary Art Davis, a copy of which has been forwarded to Members of the Senate, which, basically, asks for this particular proposal not to be considered at this time, and I support the Secretary of Environmental Resources in this regard. I also support the Pennsylvania Federation of Sportsmen and the Fish Commission and also the Pennsylvania Environmental Council when they say that it is not the time right now to go ahead and to consider this particular proposal. Mr. President, I would hope the bill would be put over, but since I realize that is not going to be the order of business, I then must ask for a negative vote on this proposal on House Bill No. 614 basically because it is not considered to be an environmentally sound piece of legislation. We have to take a longer look at what is in Senate Bill No. 614, what is happening with the pre-1975 wells and how, in fact, they may be exempted from bonding. At this point in time, Mr. President, I must ask for a negative vote on House Bill No. 614.

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

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

Senator FISHER. I will, Mr. President.

Senator RHOADES. Mr. President, could the Senator explain the changes in the bill that have resulted because of the amendments that were placed in it in the Committee on Appropriations today?

Senator FISHER. Yes, Mr. President. I believe there were significant improvements made in House Bill No. 614 today by the amendment that was offered in the Committee on Appropriations by the gentleman from Venango, Senator Peterson. These were amendments that we have worked on for the last couple of weeks to try to address some of the concerns which were raised in the legislation as it came over from the House.

There were three particular areas in which major changes were made as a result of the Peterson amendment offered in the Committee on Appropriations. First of all, the one provision that has drawn some attention is the one which would exempt pre-1975 wells from the bonding requirement under the 1984 Oil and Gas Act. By pre-1975 wells I mean wells that were drilled prior to 1975. The amendment says that this bonding exemption would only be granted if the wells were registered within one year of the effective date of the Act.

Secondly, the amendment that was inserted in the bill in the House dealt with the preemption of local ordinances. We

believed, in looking at the language, that the language could be construed broader than what was intended, and the amendment inserted in the Committee on Appropriations would have limited that preemption and would have precluded local governments from enacting an oil and gas act that was inconsistent with the state act. It would not, however, preempt local governments from enacting an ordinance under the Municipalities Planning Code, which I think they rightfully should have the ability to enact within each municipality.

Thirdly, there was a provision in the amendment that inserts a \$2,500 per well fine for anyone who does not register their well, and that is an improvement over the current bill and over the current law because there is no fine in there for the failure to register.

Lastly, we made some definitional changes at the suggestion of the Governor's Office dealing with the terms "orphan well" and "inactive status." So I think that the amendments as they were inserted today greatly improve the bill and I believe address most, if not all, of the concerns that have been raised not only by the Secretary but some others who have expressed their concern about House Bill No. 614 as the House passed it.

Senator RHOADES. Mr. President, may I make a comment?

The PRESIDENT. The gentleman is in order.

Senator RHOADES. Mr. President, based on Senator Fisher's explanation and further clarification of House Bill No. 614, I think it is very important we support the bill from the standpoint that these operations, to the best I can see, are for small families—only two or three or four people involved in the operations—and I think it is important that we keep them in place and keep them functioning. Therefore, I would ask for support for the bill.

Senator WILT. Mr. President, I rise to speak in support of the legislation. As many of you remember, Mr. President, I was the prime sponsor of the original oil and gas legislation and participated in most of the hearings across the state in endless hours of dialogue and interaction with the environmental groups as well as the producers.

I rise to support this amendment today because I think it is a step in the right direction. At the point at which that legislation was enacted, one of the biggest problems was to separate the deep wells from the shallow wells. Today, primarily, we are speaking of shallow wells and the amendment speaks to those wells. The reason for the bill originally was that we had some horrendous stories. In one community people had garden hoses in where after a deep well had been fracked the gas had gotten into the water tables and people were getting a 42 inch flame out of the end of a lighted garden hose.

In the district of the gentleman from Venango, Senator Peterson, then Senator Kusse's district, there was a house that had been lifted off its foundation after fracking had taken place and ambient gas had gotten into the house. Someone had come home and lit a light and the house exploded. This is not the kind of well we are talking about with these amendments. These are mom and pop shallow wells owned by indi-

viduals, some for the fourth generation. The concern which the environmental community has is taken care of in the Surface and Clean Water Acts. They are very much enforced in our area. We would attest to the fact, from a tourist standpoint, that northwestern Pennsylvania is as pristine a country as there is in this nation, and this, basically, is where these wells are located.

I would like to make one statement about the process, as it were. During the conference committee in which this bill was originally enacted, the most violent opponents came from the House delegation, and they insisted on some rather hard to live with amendments which we went along with in order to implement the legislation after we had made such a strong commitment to it. Mr. President, these very people who sat on this conference committee were people who initiated and supported these amendments in the House of Representatives. This bill passed the House with only eight dissenting votes, and with, I would think without exception, most all of the Members in northwestern Pennsylvania where this activity takes place, where we have not only the people who are the producers from these wells but also a very strong environmental community. If for one second I were threatened environmentally about this activity, I would be standing here advocating the defeat of these amendments.

Mr. President, I think in the environmental area we are dealing with a perception that is put out there in order to enhance someone's hand or someone's ego or someone's position which is not in tune necessarily with the realities of the environment.

Mr. President, I would ask for support of these amendments.

Senator PETERSON. Mr. President, I rise to support this legislation. Pennsylvania has the toughest drilling law in the nation. When we pass this bill and it is signed by the Governor, we will still have the toughest environmental law in the nation dealing with oil and gas. This legislation will assist—and it has been said before but I am going to say it one more time—the small producers who have a few wells and, with the way it is drafted now, will encourage them to come in and register them. It is important for us in Pennsylvania to know where all of these pre-1975 wells are so we can track them and see that they are properly plugged down the road when they no longer produce. These producers, if they do not produce from these wells a few years from now, will either have to put them on inactive status or plug them, or else put them on inactive status and later go back to production again when the price is favorable or they have the ability to do that. This bill does not in any way cut into the heart of the environmental part of the legislation that was passed a few years ago. This bill will allow the small producers to continue to produce oil, and God knows we need it not only in this Commonwealth but in this country.

As we look at what has happened since the passage of this law, I think the production of oil is far less than half of what it was when we passed this original act. Pennsylvania is in danger of losing its oil industry altogether. We only have a

few producers left. I was told that one of the three Penngrade crude refineries is in the process of changing to Utah oil, so we will really only have two Penngrade refineries in the Commonwealth. If you think the act is not tough, the big companies, such as Quaker State, Kendall and Pennzoil, have gotten completely out of the production business since this act was passed. We only have medium size and small producers left. Western Pennsylvania cannot afford to lose the oil industry, and we should not lose the oil industry. We have a good, tough law. We will be able to produce oil in an environmentally safe standard, and I ask my colleagues here today to give Pennsylvania's oil industry a chance to survive and support this amendment.

Senator LINCOLN. Mr. President, this is a very difficult issue, and I have a great deal of respect for the individuals in the Department of Environmental Resources who are opposing the bill, although, after the amendment that the gentleman from Allegheny, Senator Fisher, put in, I do not really know why. What I am going to base my vote on today is what I based my vote on back in the early mid-'80s when the Joint Air, Water and Pollution Control Committee, which I have been fortunate enough to be Chairman of since 1983, helped develop the piece of legislation that finally became the Oil and Gas Act of which the gentleman from Mercer, Senator Wilt, so proudly was the main sponsor. During the whole process of getting that piece of legislation passed, I depended on Senator Wilt 100 percent because I saw him stand up to a lot of pressures when everybody was trying to put things in that bill that maybe should not have been there, and we were trying to get groundwork and set the groundwork for what has become a good law, and it became a good law because Roy Wilt had enough courage to say yes and to say no when there were necessary changes that had to be made right up until the time the bill finally passed. This issue was active then, and Roy knows there were people who were actively soliciting his support for this exemption at the time the law was passed. In his good judgment it was an idea that was not real good for that particular bill at that time. I think the experience that the industry and the experience that the department has had has led Roy Wilt to say the amendment that Senator Fisher added to House Bill No. 614 makes this something he can accept. I have to say that I have a great deal of respect for him in a lot of areas where we have dealt with one another for the last 18 years, but in this issue I do not think there is anybody in the General Assembly who understands this particular issue better than Roy Wilt. If he says this amendment and this bill is satisfactory to him, then I say it is to me and I am going to vote for it.

Senator MELLOW. Mr. President, just in conclusion, I would like to make a couple of additional observations. First of all, Mr. President, it was stated that Pennsylvania has the toughest drilling laws in the nation, and I kind of concur with that. I think they do have the toughest drilling laws in the nation, as I think we have some of the best environmental laws in the nation. In fact, the Environmental Protection Agency uses a number of the laws we have as pilot legislation

in which to go ahead and govern and in which to make recommendations not only to the federal program but also to other states. Mr. President, this law and the regulations have only been in effect for a very short period of time. In fact, Mr. President, it took over four years from the passage of the law to go ahead and have the implementation of the regulations, and those regulations have only been in effect for one year. So how can we go ahead today, with any meaningful purpose, and undo regulations that have only been put in place for one year? Furthermore, Mr. President, it has been pointed out that this particular legislation is going to go ahead and help the small family business, and I strongly support the small family business, whether it be in the drilling business or in any other business. But if a small family business is involved in polluting or if a large business, unfortunately, is involved in polluting, pollution is pollution. Mr. President, make no mistake about it, this is not a good environmental vote for the people of Pennsylvania. It goes contrary to what the environmentalists say we should have. It goes contrary to what the sportsmen in both the Fish Commission and the Game Commission say we should have, and it goes contrary to what the Pennsylvania Federation of Sportsmen say we should have. It is not good for the environmental needs of Pennsylvania, and, therefore, Mr. President, I would have to ask once again for a negative 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—30**

|            |           |             |           |
|------------|-----------|-------------|-----------|
| Afflerbach | Hopper    | Porterfield | Shumaker  |
| Armstrong  | Jubelirer | Punt        | Stapleton |
| Bell       | Lemmond   | Regoli      | Stewart   |
| Brightbill | Lincoln   | Rhoades     | Stout     |
| Fisher     | Loeper    | Rocks       | Tilghman  |
| Greenwood  | Madigan   | Scanlon     | Wenger    |
| Helfrick   | Pecora    | Shaffer     | Wilt      |
| Hess       | Peterson  |             |           |

**NAYS—18**

|            |           |         |          |
|------------|-----------|---------|----------|
| Andrezeski | Dawida    | LaValle | Musto    |
| Baker      | Fumo      | Lewis   | O'Pake   |
| Belan      | Greenleaf | Lynch   | Reibman  |
| Bodack     | Holl      | Mellow  | Williams |
| Corman     | Jones     |         |          |

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1**

**BILL ON CONCURRENCE IN  
HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 775 (Pr. No. 2485)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 20 (Decedents, Estates and Fiduciaries) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; adding provisions relating to guardians of incapacitated persons; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; permitting certain powers of attorney to be executed by mark; ensuring the validity of durable powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; further authorizing the court to grant declaratory relief with respect to certain interests in real property; exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; adding conforming amendments to Titles 13, 18, 23 and 42; amending Title 72 to exempt spousal transfers from inheritance taxation; and making technical changes.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 775.

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo, whose presence is hereby noted and whose temporary Capitol leave is cancelled.

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



PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, Senate Rule XIV, paragraph 16.(b) requires that bills of this nature should not be considered by the Senate unless they have been referred to the Committee on Appropriations and there is a fiscal note attached thereto.

What would be the proper motion for me to make at this time, because this bill is on concurrence, so that we can comply with Rule XIV, paragraph 16.(b)?

The PRESIDENT. The gentleman has the right to move to rerefer the bill to the Committee on Appropriations, a motion which has precedence over the motion to concur.

MOTION TO REREFER

Senator FUMO. Mr. President, I would move that this bill be referred to the Committee on Appropriations so that we can have an official fiscal note attached to it because the unofficial one shows this to be devastating to Pennsylvania's economy. I, therefore, move that we send it to the Committee on Appropriations and have a very good study of it to find out what the real impact is.

The PRESIDENT. Senator Fumo moves that Senate Bill No. 775 be rereferred to the Committee on Appropriations.

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

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

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

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

Senator LOEPER. Mr. President, the bill before us is a bill on concurrence. It is not a bill on third consideration that would be subject to the Rule that the gentleman mentioned and, therefore, Mr. President, I would oppose the motion to rerefer to the Committee on Appropriations.

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

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

YEAS—23

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

NAYS—26

|            |           |          |          |
|------------|-----------|----------|----------|
| Armstrong  | Greenwood | Loeper   | Rocks    |
| Baker      | Helfrick  | Madigan  | Shaffer  |
| Bell       | Hess      | Pecora   | Shumaker |
| Brightbill | Holl      | Peterson | Tilghman |

|           |           |         |        |
|-----------|-----------|---------|--------|
| Corman    | Hopper    | Punt    | Wenger |
| Fisher    | Jubelirer | Rhoades | Wilt   |
| Greenleaf | Lemmond   |         |        |

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

And the question recurring,

Will the Senate concur in amendments made by the House to Senate Bill No. 775?

LEGISLATIVE LEAVE

Senator FUMO. Senator Andrezeski has been called to his office and requests a temporary Capitol leave.

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

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate concur in House amendments?

Senator FUMO. Mr. President, obviously the Majority did not want this to go to the Committee on Appropriations because they may not want to hear the true facts. Mr. President, this bill is being characterized as one that is needed for poor widows and orphans. You think of people dressed shabbily and poor with a tin cup and really hurting, and we have to help those people because they just lost a spouse and we would be cruel and heartless if we did not. But, Mr. President, what this bill really is about is this is just another version almost of George Bush's capital gains break for the wealthy. This bill costs us nothing in the fiscal year 1989-90; in fiscal year 1990-91, \$4 million; 1991-92, \$16.5 million; 1992-93, \$26 million; 1993-94, \$36 million; 1994-95, \$46.5 million; and from 1995-96 onward, \$57.8 million every year.

Mr. President, I submit that there are a lot of wonderful things that we could do with that money to perhaps help out maybe some poor widows and orphans. But this bill is not going to do that. This bill deals with those people who are married and have property, those people who already have a piece of the American dream and, quite frankly, one-half of the tax break in this bill will go to Pennsylvania's upper six percent of the population. It is a lot of money to give the wealthy of Pennsylvania. Mr. President, you might ask yourself, how could someone get in this kind of a jam, because really what we are talking about is property owned by one spouse and in that spouse's name, and that person dies and it then gets transferred to the wife. Mr. President, you would say, why do they not have this in both names? Because if they did, they would not have this problem. It would not be subject to any inheritance tax. Let me tell you why, Mr. President. They do not have it in both names because it does not help them with their federal income tax many times. You may have a family or a husband and wife with a couple of businesses, one goes in one name, one goes in the other name. Why did

they do it? To keep their tax rate down. Perhaps they can get in the 28 percent bracket rather than the 33 percent bracket. Maybe even, if they are lucky and can structure it properly with deductions, they can get down to the 15 percent bracket. We really have to help these poor people. They are probably paying more to their tax accountants than they are ever going to pay in the inheritance tax.

Mr. President, there is another reason why. Maybe you will have someone who wants to shield their assets from creditors, and if they put it just in one name and that person goes out and decides to go bankrupt or something, the other assets are protected in the other spouse's name. We are not talking about poor, innocent widows. We are talking about six percent of Pennsylvania's wealthiest people. I submit to you that to give them this kind of tax break when we are hurting so desperately in Pennsylvania for our own monies is criminal. You could take that money and do some real good with it rather than just give it away to the most wealthy who do not need it.

Mr. President, I would ask for a negative vote.

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

Senator BELL. Mr. President, you know, last week I thought I missed a lot of noise and I just listened to a lot of noise.

I will tell you who gets hit by the widow's tax and the widower's tax—because it also applies to husbands. It is those who cannot afford a lawyer, those who have a dumb lawyer, those who do not take a lawyer's advice, because the gentleman—if he is arguing the other side of the coin—would tell you that if it is put into both names there is no tax.

Senator LOEPER. Mr. President, I could not help but to comment on the remarks of the gentleman from Philadelphia relative to the legislation that is pending before us. I might indicate to the Members that while we have this consideration of the widow's tax before us, Pennsylvania, if we pass this today, will join 47 other states that have already recognized that the transfer of property from one spouse to another should not be subjected to inheritance tax.

You know, Mr. President, it is ironic, as I listen to the rhetoric from the other side of the aisle, that this is not the first time this Senate has reviewed the issue of a widow's tax. In fact, Mr. President, there was a fiscal note on Senate Bill No. 775 that was considered by this Senate back on June 19th of this year. I think it is further interesting to note for the record that the same gentleman who talks about the upper six percent, that it is not going to benefit the poor, innocent widows and that giving any kind of tax break on a widow's tax is criminal, that same gentleman voted in favor of the widow's tax bill on June 19th, along with 48 other colleagues in this Senate. The only negative vote was cast by the gentleman from Allegheny, Senator Scanlon, at that time. I think, Mr. President, if we really look into the merits of this, we have already considered it before in this Body and there has been overwhelming support for it and a recognition of how important this would be. Therefore, Mr. President, I would ask for an affirmative vote on the legislation.

Senator GREENLEAF. Mr. President, I rise also in support of this legislation. As the gentleman from Delaware, Senator Loeper, has indicated, Pennsylvania is out of step in this regard. The majority of the states, actually 47, have this exemption. Two others have a substantial partial exemption. In fact, Pennsylvania stands alone in regard to providing no relief for the widow's tax. In fact, this legislation would not benefit the rich alone but it would benefit, according to the statistics I have seen, the vast majority of people who are in the middle income and even lower income, those who cannot afford an attorney, who cannot go to a tax consultant to avoid the inheritance taxes. If they would have enough money to go to an attorney to avoid the inheritance taxes, they would not need this widow's tax. It is the people who do not have access to attorneys, who do not have the counseling beforehand to know to put it in joint names. What happens all too often is that there are assets that are in separate names, and at the death of the first spouse, the remaining spouse, the widow, all too often has to sell her assets to pay the six percent inheritance tax. For the first time, if this legislation is passed, we will give relief to those widows so they do not have to sell off their assets in order to pay state inheritance taxes. I think I would urge all the Senate to vote in favor of it.

Senator BRIGHTBILL. Mr. President, there is an aspect of this that no one has talked about on the floor before, and I would like to mention it. It has to do with couples who are, either one or both of them, engaged in a second marriage and couples who are in a second marriage with assets and with children. Here is a kind of typical scenario, because what the Pennsylvania law does right now is it makes people who want to plan what happens to their assets pay a penalty for keeping their assets in their own name so they can leave it to their children. Let me give this scenario. If a couple gets married and let us suppose the husband has assets of, say, \$50,000 and the wife has no assets at all, when the husband passes away, if he leaves his one-half of his assets to his wife, she has to pay a six percent penalty which is this tax. If he, on the other hand, puts those assets in joint names which enables him to avoid this six percent penalty, then those assets cannot be left to his children. They would automatically go to his wife. So what we are saying to people is that it is okay to keep your assets in your own name and it is okay to leave them to your children, but anything you then leave to your wife has to go at a penalty of six percent.

The Senator from Philadelphia referred to this as a tax for the rich people, and I will assure the Senator, in my experience, I have not dealt with a lot of wealthy people who have had problems with this tax. The problems that I see are the exact problems that the gentleman from Delaware, Senator Bell, talked about which is that the people who have estates, let us say, of \$50,000, \$75,000, \$100,000 or \$15,000 and do not have professional advice are the ones who end up paying this tax. The people who are wealthy, who can afford tax planners, they do not have a problem with this. In fact, the Pennsylvania inheritance tax gets figured back into their estate tax and how they pay it, and it all becomes kind of a big

formula. But this is really a change that has been a long time coming, and it is the right thing to do.

The fiscal impact on this is going to be gradual. Yes, it is going to have a fiscal impact, but, you know, if we made it effective today, it would take nine months for it to have an impact because that is how long it takes before a state inheritance tax return has to be filed. The truth is that the implementation is more gradual than that, and the truth is that this is very much a bill that supports little people and supports those who do not have very much.

Senator FUMO. Mr. President, first of all, back on June 19, 1990, when I voted for it last time, we did not negotiate a budget. Mr. President, a deal is a deal is a deal. Subsequent to that, we did negotiate a budget, and this was not one of the items that we negotiated. But more importantly, Mr. President, I think the Members may not be aware of the accurate statistics that are available. First of all, only 10 percent of estates in Pennsylvania involve taxable income transfers to spouses, only 10 percent of the estates. Also, with estates valued at \$500,000 and more, of those estates, 26 percent had a taxable transfer between spouses. That is where the bulk of this money goes, to the wealthy who are using the method of keeping things in two different names as a tax planning device. Very few people out there who are married, who own a simple home and an asset of that nature, do not have it in both names. There are very few. You know that and I know that, and you do not need a lawyer to do that. You do not need a tax accountant to do that. In fact, in many cases that is the pro forma way in which people own joint property as husband and wife. You may have a lawyer and a tax accountant to tell you not to do that for tax purposes, and then you are going to get into this jam.

Mr. President, again I repeat, there are a lot of good things we can do in Pennsylvania with \$60 million a year, but if you want to give it away to the wealthy, go right ahead and let the sin be on your conscience.

Senator PECORA. Mr. President, listening to these comments on the Senate floor, it is amazing to me. They say that this tax bill, the widow's tax, will help only the wealthy. Well, it is an insult to the wealthy. Wealthy people do not have their prime residency in Pennsylvania. They have it in other states where they do not pay these outrageous taxes. They also say it helps the wealthy. Well, you have a cap on IRA pensions. If I have a pension and my income is less than \$40,000, I qualified for that pension. It was my contribution. I received tax benefits on that contribution so I can retire and have an additional income at my time of retirement. Mr. President, people earning under \$40,000 a year are not wealthy. They are struggling to survive. Probably both spouses are working and they are constituting an investment into an IRA pension, and I feel that the Commonwealth should not have the right to put a six percent tax on that pension.

Senator O'PAKE. Mr. President, I think my colleague should not overlook the fact that the House amended into this bill a very important provision which has not been discussed to this point. It has nothing to do with the so-called widow's

tax, but it is very, very important to anyone who is concerned about the well-being of incapacitated, disabled or mentally retarded persons in Pennsylvania. For years, many of us have been advocating for a different kind of guardianship proceeding for a person who is really not deserving of the stigma of being ruled incompetent in what can be a very bitter court proceeding but who does need help in managing their financial affairs, such as an incapacitated mentally retarded individual. This bill contains language that was inserted by the House that does set up a new kind of limited guardianship to manage the financial affairs of an incapacitated, as opposed to an incompetent person. I think this is worthy of our support, and I am glad that after about three Sessions of battling over the language of this kind of guardianship provision, which is so badly needed by those concerned about the mentally retarded, that it is time we approve this concept and help many, many mentally retarded adults who do need some help with their financial affairs but who do not deserve to be subjected to an incompetency proceeding in a court of law.

Senator GREENLEAF. I have just a brief comment, Mr. President. I would thank the gentleman from Berks, and I would certainly agree with him that those amendments placed in there by, I believe, Representative Kukovich do provide for a new guardianship process and changes the phraseology from "incompetent" to "incapacitated." These guardianship provisions, which streamline and provide for the first time a limited guardianship procedure, are supported by AARP, the Association of Retarded Citizens and the Department of Aging. In addition, the Joint State Government Commission has reviewed these provisions and I believe they are supported by them, and they have been helping in the development of these provisions.

Senator LOEPER. Mr. President, I have just one final comment relative to the concerns of the gentleman from Philadelphia about budget negotiations and the impact this may have upon any type of negotiation. It was my understanding that the budget we negotiated last June 30th and enacted into law was for fiscal year 1990-91. This, Mr. President, would not affect the budget of that fiscal year. In fact, the first effect of the new widow's tax would not be felt until April of 1992, which would then be the time when the first tax reports would come in and become due, subject to this new provision. Therefore, Mr. President, I think it is important to note that it would only be in the reporting period beginning in April 1992 that there would be any fiscal impact on the state budget.

#### LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to request a temporary Capitol leave for Senator Mellow who has been called to his office.

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

Senator LOEPER. Mr. President, I would also request temporary Capitol leaves on behalf of Senator Hess and Senator Fisher.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Hess and Senator Fisher. Again, the Chair hearing no objection, those leaves are granted.

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

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

## YEAS—47

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

## NAYS—2

Fumo Scanlon

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

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

## RECESS

Senator LOEPER. Mr. President, at this time I would ask for a brief recess of the Senate for a reconvening of a meeting of the Committee on Rules and Executive Nominations for one item of business and then immediately returning to the floor.

The PRESIDENT pro tempore. Senator Loeper requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room to the rear of the Senate floor, and for that purpose, the Senate will stand in recess.

## AFTER RECESS

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

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

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

PROTHONOTARY, FAYETTE COUNTY

September 17, 1990.

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, Lance Winterhalter, Box 562, Walnut Street, Vanderbilt 15486, Fayette County, Thirty-second Senatorial District, for appointment as Prothonotary, in and for the County of Fayette, to serve until the first Monday of January, 1992, vice Edward Brady, resigned.

ROBERT P. CASEY.

## NOMINATION LAID ON THE TABLE

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

The PRESIDENT pro tempore. The nomination will be laid on the table.

## EXECUTIVE NOMINATIONS

## EXECUTIVE SESSION

Motion was made by Senator WILT,

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

Which was agreed to.

## NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

June 12, 1990.

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, Edward S. Lawhorne, Esquire, 407 Moylan Avenue, Moylan 19065, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Francis J. Catania, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LANCASTER COUNTY

July 17, 1990.

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, Lawrence F. Stengel, Esquire, 933 Virginia Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lancaster County, to serve until the first Monday of January, 1992, vice The Honorable Ronald L. Buckwalter, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
SEVENTEENTH JUDICIAL DISTRICT

July 25, 1990.

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, Harold F. Woelfel, Jr., Esquire, R. D. 3, Box 179, Middleburg 17842, Snyder County, Twenty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of the Seventeenth Judicial District, to serve until the first Monday of January, 1992, vice The Honorable James F. McClure, Jr., resigned.

ROBERT P. CASEY.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Andrezeski and his temporary Capitol leave will be cancelled.

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

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

YEAS—49

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

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.

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 STATE  
CONSERVATION COMMISSION

July 25, 1990.

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, Walter R. Rossman, R. D. 3, Box 310, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 1994 and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

DISTRICT JUSTICE

August 29, 1990.

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, Hazel V. Swisher, 300 Vine Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as District Justice in and for the County of Lebanon, Magisterial District 52-3-02, to serve until the first Monday of January, 1992, vice Lucy A. Pietsch, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF NURSING

June 26, 1990.

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, Jean Hathaway Ferguson, 279 Lawndale Avenue, King of Prussia 19406, Montgomery County, Nineteenth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rena Mae Lawrence, Ph.D., Lancaster, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PROFESSIONAL STANDARDS  
AND PRACTICES COMMISSION

September 10, 1990.

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, Juan Cruz, Jr., 1236 East Fifth Street, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1993, pursuant to Act 71, approved December 14, 1989, and amended by Act 33, approved April 11, 1990.

ROBERT P. CASEY.

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

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

YEAS—49

|            |           |         |           |
|------------|-----------|---------|-----------|
| Afflerbach | Greenleaf | Loeper  | Rhoades   |
| Andrezeski | Greenwood | Lynch   | Rocks     |
| Armstrong  | Helfrick  | Madigan | Scanlon   |
| Baker      | Hess      | Mellow  | Shaffer   |
| Belan      | Holl      | Musto   | Shumaker  |
| Bell       | Hopper    | O'Pake  | Stapleton |

|            |           |             |          |
|------------|-----------|-------------|----------|
| Bodack     | Jones     | Pecora      | Stewart  |
| Brightbill | Jubelirer | Peterson    | Stout    |
| Corman     | LaValle   | Porterfield | Tilghman |
| Dawida     | Lemmond   | Punt        | Wenger   |
| Fattah     | Lewis     | Regoli      | Williams |
| Fisher     | Lincoln   | Reibman     | Wilt     |
| Fumo       |           |             |          |

## NAYS—0

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

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

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

The motion was agreed to.

## UNFINISHED BUSINESS

## SENATE RESOLUTION

**MEMORIALIZING THE CONGRESS OF  
THE UNITED STATES TO PROMOTE  
AND ENCOURAGE THE USE OF COAL AS  
A VIABLE DOMESTIC ENERGY RESOURCE  
AND TO PROMOTE RESEARCH IN COAL  
USAGE AND CLEAN COAL TECHNOLOGY  
AS A MEANS OF ENSURING ECONOMIC  
PROSPERITY, NATIONAL SECURITY  
AND ENVIRONMENTAL COMPATIBILITY**

Senators RHOADES, REGOLI, STOUT, BELAN, STAPLETON, SHUMAKER, HELFRICK, CORMAN, O'PAKE, BODACK, MELLOW, LINCOLN, LaVALLE, STEWART, MUSTO, PORTERFIELD, FISHER and LEMMOND offered the following resolution (**Senate Resolution No. 192**), which was read, considered and adopted:

In the Senate, October 2, 1990.

## A RESOLUTION

Memorializing the Congress of the United States to promote and encourage the use of coal as a viable domestic energy resource and to promote research in coal usage and clean coal technology as a means of ensuring economic prosperity, national security and environmental compatibility.

WHEREAS, The current crisis in the Middle East highlights the need to further develop our domestic energy resources; and

WHEREAS, Our nation's addiction to foreign oil has given an unfair advantage to foreign competitors and jeopardizes our national industries and national security; and

WHEREAS, Pennsylvania ranks fourth in the nation in coal producers with 315 years of coal reserves remaining in the ground as a viable domestic energy resource; and

WHEREAS, Since the 1973 energy crisis, coal production has doubled in this country and will reach over 1 billion tons in 1990 - the energy equivalent of three and a half million barrels of oil a day with much room for future growth; and

WHEREAS, Coal accounts for 82% of the known recoverable energy resources in our nation; and

WHEREAS, Coal generates 57% of all electricity in our nation and has an 80% usage rate among the electric power market in America; and

WHEREAS, For every 1 million tons of coal mined in Pennsylvania, \$29,160,000 is generated for the economy and 225 direct mining jobs are supported; and

WHEREAS, Current advances in clean coal technology permits the use of coal in an environmentally compatible and efficient manner; therefore be it

RESOLVED, That the Congress of the United States should promote both the use of coal as a domestic energy resource and research in coal technology as a way to regain American competitiveness in the international marketplace instead of taking a back seat to foreign competitors with cheap oil; and be it further

RESOLVED, That the Congress of the United States should promote the use and technological advancement of coal as a domestic energy resource in order to further provide for our national security and not subject our nation to the political instability of Middle East oil producing nations; and be it further

RESOLVED, That the Congress of the United States should promote the use of coal and technological advancement of coal through research and development in clean coal technology in order to ensure that coal is even more environmentally compatible and that environmental responsibility remains a constant top priority of industries which use coal; and be it further

RESOLVED, That the use of coal and research to further advance the use of coal will make the United States economically stronger and will no longer allow the people of this great country to be held "hostage" to the political whims of unfriendly oil producing nations; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Stacey Roland by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Willard J. Greiner and to First Baptist Church of Morton by Senator Bell.

Congratulations of the Senate were extended to Charles Urbanek and to the Croatian National Hall and Javor, Incorporated, of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Ian M. Kephart by Senator Corman.

Congratulations of the Senate were extended to Robert M. Valentini by Senator Fattah.

Congratulations of the Senate were extended to Jerry B. Fulmer and to Thomas J. Matthews, Jr. by Senator Fisher.

Congratulations of the Senate were extended to Willow Grove Senior Citizens' Community Center, Incorporated by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. John Albert Abom by Senator Greenwood.

Congratulations of the Senate were extended to Rita M. Pizzoli and to First Baptist Church of Shamokin by Senator Helfrick.

Congratulations of the Senate were extended to William J. McLean by Senator Madigan.



Congratulations of the Senate were extended to Albert R. Boscov by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Welsh, Mr. and Mrs. Cyril Holly, Mr. and Mrs. Clarence McCaslin, Mr. and Mrs. A. Thomas Pansky, Mr. and Mrs. John C. Hilovsky, Mr. and Mrs. John E. Mincer, Sr., Mr. and Mrs. Wilbur Taylor, Mr. and Mrs. Carroll Byler, Mr. and Mrs. Albert R. Sivak, Mr. and Mrs. Robert T. Archibald, Mr. and Mrs. Edward V. Moon, Mr. and Mrs. Wayne Wright, Mr. and Mrs. Lawrence Scheidemantle, Mr. and Mrs. George Hoffman, Mr. and Mrs. Charles Choura, Mr. and Mrs. Lyle Morgan, Mr. and Mrs. Thomas R. Huff, Sr. and to Mr. and Mrs. Paul Beaver by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Hummel, Mr. and Mrs. Angelo Elmi, Mr. and Mrs. Lester G. Snyder and to Beane D. Klahr by Senator Shumaker.

Congratulations of the Senate were extended to Washington-Greene Community Action Corporation by Senator Stout.

**BILLS ON FIRST CONSIDERATION**

Senator WENGER. 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 898, 965, 1030, 1062, 1379, 1380, 1381, 1510, 1648, 1705, 1711, 1715, 1746, 1763, HB 250, 253, 895, 1199, 1771, 2139 and 2617.**

And said bills having been considered for the first time,

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

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 693, 1442, 1511, 1535 and 1588**, with the information the House has passed the same without amendments.

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1512**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT pro tempore**. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

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

**BILLS SIGNED**

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

**SB 1511.**

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

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

**SB 693, 775, 1442, 1535 and 1588.**

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 3**

**THIRD CONSIDERATION CALENDAR  
BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1882 (Pr. No. 4203)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on retail theft.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEAS—49**

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

**NAYS—0**

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

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

## ANNOUNCEMENTS BY THE SECRETARY

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

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 3, 1990

- |            |   |  |
|------------|---|--|
| 9:00 A.M.  | TRANSPORTATION (to consider Senate Bills No. 1350 and 1668 and House Bills No. 122, 560 and 2463) | Room 8E-A<br>Hearing Room<br>East Wing |
| 11:30 A.M. | EDUCATION (to consider House Bill No. 2508)   | Room 8E-B<br>Hearing Room<br>East Wing |

WEDNESDAY, OCTOBER 24, 1990

- |           |  |  |
|-----------|--|--|
| 9:30 A.M. | JUDICIARY (Public Hearing on Senate Bill No. 1004 and Senate Resolution No. 180) | Room 8E-B<br>Hearing Room<br>East Wing |
|-----------|--|--|

## PETITIONS AND REMONSTRANCES

Senator LOEPER. Mr. President, I would just like to note for the record that it was my pleasure today to have the opportunity to host with my colleagues, the gentleman from Allegheny, Senator Belan, the gentleman from Berks, Senator O'Pake, and the gentleman from Delaware, Senator Bell, a visitor from Czechoslovakia representing the Slovak Ministry of Education and to discuss with him some common interests that we have between the State of Pennsylvania and the Ministry of Education in Czechoslovakia. In particular, the course of the meeting was to try to develop some type of sister state relationship between Czechoslovakia and the Commonwealth of Pennsylvania. We were very pleased to have Dr. David Daniel, the special advisor, not only to the Slovak Ministry of Education but also to the Academy of Sciences in Czechoslovakia. I think it was a very enlightening meeting as far as trying to open the avenues of communication and beginning some type of exchange student program between Czechoslovakia and Pennsylvania and their institutions of higher learning. I would just like to commend my colleagues for taking part in that meeting and also to commend Dr. Edward Tomczko, the Executive Officer of the Delaware County Campus of Penn State, for convening the meeting with Dr. David Daniel, and I look forward to working with them in the future.

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, October 3, 1990, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:55 p.m., Eastern Daylight Saving Time.