

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 22, 1992

SESSION OF 1992 176TH OF THE GENERAL ASSEMBLY

No. 45

SENATE

MONDAY, June 22, 1992.

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

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

PRAYER

The Chaplain, Reverend ROBERT SIMMONS, of Cochranon Community Church, Cochranon, offered the following prayer:

Let us pray.

Almighty God, our heavenly Father, we seek Your wisdom and guidance for these men and women as they begin their work today. The tasks that confront them this week are great and extremely important.

We pray that You will bless these men and women chosen by the people of this great Commonwealth of Pennsylvania. You know each of them, their needs, their hopes, their motives, their hurts, and their concerns. Lord God, put Your arm around them to give strength, and speak to them to give them wisdom greater than their own. In those moments when no decision is easy and at those times when they appear to be in a no-win situation, grant them the courage to vote with their convictions. Give to each of these leaders the gifts of honesty, sincerity, and integrity.

Let none of us think when this prayer is said that our dependence upon You is over and forget all about You the rest of the day. Rather, from these moments of quietness may there be such a firm awareness from all that You are in this place. May the consciousness of Your presence remain with each of these persons until they fall asleep tonight under Your benediction of well done, good and faithful servant. So help us here today.

Through Jesus Christ our Lord, I pray. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Simmons, who is the guest this week of Senator Robbins.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 17, 1992.

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT pro tempore laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 1606.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

June 17, 1992.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Peter Grochowski, 1302 Electric Street, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William J. Heen, Clarks Summit, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

June 17, 1992.

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 L. Pitts, 1335 Franklin Avenue, Wilkinsburg 15221, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1997, and until his successor is appointed and qualified, vice Nate Smith, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

June 17, 1992.

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, Arthur J. Rooney, II, Esquire, 1300 Inverness Avenue, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until August 10, 1994, and until his successor is appointed and qualified, vice Lawrence F. Klima, Erie, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

June 17, 1992.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John C. Schmidt, 511 Shady Dell Road, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until December 1, 1998, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

June 17, 1992.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Yenchko, 781 Lincoln Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE
OFFICERS' EDUCATION AND
TRAINING COMMISSION

June 17, 1992.

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, Stephen W. Campetti, 2438 St. Denis Lane, Havertown 19083, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until May 24, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION

June 17, 1992.

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, A. Richard Gerber, Esquire, 5 Regency Circle, Penllyn 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 1995 and until his successor is appointed and qualified, vice Lori Heiser, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION

June 17, 1992.

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 M. Lam, 1336 Red Rambler Road, Rydal, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

June 17, 1992.

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, Dana M. Bentley (Independent), 54 Euclid Avenue, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, vice Kenneth Jadowiec, Bradford, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

June 17, 1992.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karen Dougherty (Democrat), 585 Seaward Avenue, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until her successor is appointed and qualified, vice Mary D. Mackowski, Bradford, resigned.

ROBERT P. CASEY.

MEMBER OF THE MCKEAN COUNTY BOARD OF ASSISTANCE

June 17, 1992.

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, Audrey L. Lane (Democrat), R. D. 1, Box 65, Turtlepoint 16750, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Audrey Troutman, Mount Jewett, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE MCKEAN COUNTY BOARD OF ASSISTANCE

June 17, 1992.

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 Makin (Democrat), 139 Gates Hollow, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, vice Virginia Hinaman, Bradford, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE MCKEAN COUNTY BOARD OF ASSISTANCE

June 17, 1992.

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 L. McElwee (Democrat), 121 Forest Avenue, Smethport 16749, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

June 17, 1992.

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, Richard B. Moyer (Democrat), 1 Roy Street, S.W., Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice John Maruschak, Jr., Allentown, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 17, 1992.

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, Susanne Kimberland, Esquire, 4940 Brightwood Road, Apartment A-210, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-2-20, to serve until the first Monday of January, 1994, vice Russell Kimberland, II, deceased.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

June 18, 1992.

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, Richard B. Moyer (Democrat), 1 Roy Street, S.W., Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Louis E. D'Arconte, Allentown, whose term expired.

ROBERT P. CASEY.

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

June 18, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 17, 1992 for the appointment of Richard B. Moyer (Democrat), 1 Roy Street, S.W., Allentown 18103, Lehigh County, Sixteenth Senatorial District, as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice John Maruschak, Jr., Allentown, whose term expired.

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

ROBERT P. CASEY.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE AMENDMENTS TO
SENATE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments by further amending said Senate amendments to House amendments to **SB 1330**.

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

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 850**, 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.

HOUSE BILLS FOR CONCURRENCE

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

June 22, 1992

HB 1103 — Committee on State Government.

HB 2196 — Committee on Environmental Resources and Energy.

HB 2499 — Committee on Appropriations.

HB 2751 — Committee on Transportation.

BILLS INTRODUCED AND REFERRED

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

June 18, 1992

Senators **RHOADES**, **LINCOLN**, **MADIGAN**, **REIBMAN**, **BORTNER**, **HOPPER** and **HELFRICK** presented to the Chair **SB 1826**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the licensing and regulation of business colleges.

Which was committed to the Committee on EDUCATION, June 18, 1992.

Senators **CORMAN** and **HOLL** presented to the Chair **SB 1827**, entitled:

An Act amending the act of July 3, 1986 (P. L. 396, No. 86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," further providing for notice regarding insurance premiums.

Which was committed to the Committee on BANKING AND INSURANCE, June 18, 1992.

Senator **SALVATORE** presented to the Chair **SB 1828**, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," providing for notification of the Department of Public Welfare of certain individuals; establishing a central location for mental health record information and telephone lines; providing the right to challenge mental health records; and making an appropriation.

Which was committed to the Committee on JUDICIARY, June 18, 1992.

Senator **SALVATORE** presented to the Chair **SB 1829**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting ownership of firearms by certain individuals; further providing for the sale of firearms; providing for criminal record checks; and making an appropriation.

Which was committed to the Committee on JUDICIARY, June 18, 1992.

Senator **SALVATORE** presented to the Chair **SB 1830**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for an exclusion of tax for sale at retail or use of any service furnished between or among certain corporations.

Which was committed to the Committee on FINANCE, June 18, 1992.

Senator **SALVATORE** presented to the Chair **SB 1831**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity in apprehension cases.

Which was committed to the Committee on JUDICIARY, June 18, 1992.

Senator **SALVATORE** presented to the Chair **SB 1832**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," providing for a work-sharing benefit plan.

Which was committed to the Committee on LABOR AND INDUSTRY, June 18, 1992.

Senators **SALVATORE** and **PORTERFIELD** presented to the Chair **SB 1833**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for registration validating stickers.

Which was committed to the Committee on TRANSPORTATION, June 18, 1992.

Senator **SALVATORE** presented to the Chair **SB 1834**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating the operation of tow truck services.

Which was committed to the Committee on TRANSPORTATION, June 18, 1992.

Senator SALVATORE presented to the Chair **SB 1835**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of cash or proceeds of property forfeited to the Commonwealth.

Which was committed to the Committee on JUDICIARY, June 18, 1992.

June 19, 1992

Senator SALVATORE presented to the Chair **SB 1836**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for videotaped evidence in certain proceedings.

Which was committed to the Committee on JUDICIARY, June 19, 1992.

Senators BAKER, HART, HELFRICK and WENGER presented to the Chair **SB 1837**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "purchase price."

Which was committed to the Committee on FINANCE, June 19, 1992.

Senators WILLIAMS, JONES, SCHWARTZ, AFFLERBACH and FATTAH presented to the Chair **SB 1838**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators WILLIAMS, JONES, SCHWARTZ, AFFLERBACH and FATTAH presented to the Chair **SB 1839**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators WILLIAMS, JONES, SCHWARTZ, AFFLERBACH and FATTAH presented to the Chair **SB 1840**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators LINCOLN, WILLIAMS, JONES, SCHWARTZ, AFFLERBACH and FATTAH presented to the Chair **SB 1841**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the New Directions Jobs Program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators AFFLERBACH, WILLIAMS, JONES, SCHWARTZ and FATTAH presented to the Chair **SB 1842**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for WIC benefits and for medical assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators AFFLERBACH, WILLIAMS, JONES, SCHWARTZ and FATTAH presented to the Chair **SB 1843**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain Federal benefits and Federal funding.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators AFFLERBACH, WILLIAMS, JONES, SCHWARTZ and FATTAH presented to the Chair **SB 1844**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain Federal benefits and Federal funding.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

Senators SCHWARTZ, WILLIAMS, JONES, AFFLERBACH, LEWIS and LAVALLE presented to the Chair **SB 1845**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 1992.

June 22, 1992

Senators SCHWARTZ, WILLIAMS, JONES, AFFLERBACH, BRIGHTBILL, LEWIS, BORTNER, REIBMAN, O'PAKE, MELLOW, LINCOLN and LAVALLE presented to the Chair **SB 1846**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 22, 1992.

Senator BELL presented to the Chair **SB 1847**, entitled:

An Act amending the act of August 21, 1953 (P. L. 1323, No. 373), entitled "The Notary Public Law," further providing for applications; and validating notarial acts performed by certain notaries public.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1992.

Senators PORTERFIELD, HELFRICK, STOUT, LINCOLN, STEWART, BORTNER, LAVALLE, O'PAKE, BODACK, STAPLETON, MUSTO, SCHWARTZ,

AFFLERBACH, REIBMAN, DAWIDA, FATTAH, ROBBINS and LEMMOND presented to the Chair **SB 1848**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," further providing for preferential assessments, for procedure, for responsibilities of county assessors and for abandonment of preferential assessments.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 22, 1992.

Senator GREENLEAF presented to the Chair **SB 1849**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for advisors to the planning agency.

Which was committed to the Committee on LOCAL GOVERNMENT, June 22, 1992.

Senators FISHER, SHUMAKER and HELFRICK presented to the Chair **SB 1850**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

Which was committed to the Committee on JUDICIARY, June 22, 1992.

Senators SHAFFER, LINCOLN, STEWART, LEMMOND, LAVALLE, PUNT, PORTERFIELD, O'PAKE and HELFRICK presented to the Chair **SB 1851**, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the compensation of county treasurers.

Which was committed to the Committee on LOCAL GOVERNMENT, June 22, 1992.

BILLS SIGNED

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

HB 923, 1345, 1627, 1628 and 2069.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent is given for the following committees to meet during today's Session: the Committee on Judiciary to consider House Bills No. 301 and 1387, the Committee on Community and Economic Development to consider House Bill No. 2713, and the Committee on Rules and Executive Nominations to consider Senate Bills No. 6, 9, 1330, and certain nominations.

REPORTS FROM COMMITTEES

Senator RHOADES, from the Committee on Education, reported the following bills:

SB 1794 (Pr. No. 2298)

An Act amending the act of July 17, 1961 (P. L. 776, No. 341), entitled, as amended, "Pennsylvania Fair Educational Opportunities Act," prohibiting discrimination against persons with handicaps or disabilities.

HB 1318 (Pr. No. 3417)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the cost of tuition and maintenance of certain exceptional children.

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

SB 1642 (Pr. No. 2390) (Amended) (Rereported)

A Supplement to the act of August 6, 1991 (P. L. 329, No. 34), entitled "Highway Supplement to the Capital Budget Act of 1991-1992," itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; stating the estimated useful life of the projects; and making appropriations.

HB 164 (Pr. No. 2721) (Rereported)

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," permitting the Secretary of Revenue to enter into contracts for the placement of commercial advertisements on lottery tickets.

HB 355 (Pr. No. 3832) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers required to be licensed and for restrictions on use of handicapped parking areas.

HB 1136 (Pr. No. 3696) (Rereported)

An Act establishing the Pennsylvania Quality Leadership Awards, the Pennsylvania Quality Leadership Awards Council, the Pennsylvania Quality Leadership Foundation and criteria and a selection process for the awards; and providing for presentation of the awards.

HB 1323 (Pr. No. 3833) (Amended) (Rereported)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

HB 2499 (Pr. No. 3734)

An Act providing for the capital budget for the fiscal year 1992-1993.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Lemmond, and a legislative leave for the day for Senator Salvatore.

The PRESIDENT pro tempore. Senator Fisher requests a temporary Capitol leave for Senator Lemmond, and a legisla-

tive leave for today's Session for Senator Salvatore. Without objection, those leaves will be granted.

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

The PRESIDENT pro tempore. Senator Stapleton has requested a temporary Capitol leave for Senator Porterfield, and a legislative leave for Senator Williams. Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SB 1436 (Pr. No. 2356) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for authorized offices.

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 1436.

On the question,

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—48

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

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.

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR RICHARD A. TILGHMAN PRESENTED TO THE SENATE

Senator TILGHMAN. Mr. President, I would appreciate it if the Senate would welcome a guest and his family who are in the gallery today.

I would like to introduce to my colleagues Professor Petrus W. Liebenberg, who is a professor of International Relations at Rand African University in Johannesburg. Professor Petrus Liebenberg is here as a Thorton D. Hooper fellow in International Affairs with the Foreign Policy Research Institute of Philadelphia, and the professor is here with his wife, Wilma; his son, Chris; and his daughter, Hanlie, who is about to enter law school in South Africa.

Mr. President, I would appreciate it if the Senate would extend to Mr. Liebenberg and his family its usual warm welcome.

The PRESIDENT pro tempore. Would those guests of Senator Tilghman who are in the gallery please rise so that we may give you a warm welcome.

(Applause.)

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 2:45 p.m.

The PRESIDENT pro tempore. Senator Mellow has concurred in his request of the Democrats to go to their caucus room.

Prior to the caucuses, I have been informed that Senator Greenleaf has asked all Members of the Committee on Judiciary to meet in the Rules Committee room for a very brief meeting of that committee, and subsequent to the conclusion of that meeting, the respective caucuses will meet in their respective caucus rooms.

For those purposes, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Brightbill, Senator Helfrick, Senator Tilghman, and Senator Loeper.

The PRESIDENT pro tempore. Senator Fisher requests temporary Capitol leaves for Senator Brightbill, Senator Loeper, Senator Tilghman, and Senator Helfrick. Without objection, those leaves will be granted.

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Fattah.

The PRESIDENT pro tempore. Senator O’Pake requests a temporary Capitol leave for Senator Fattah. Without objection, that leave will be granted.

Senator O’PAKE. Mr. President, I have another request for a temporary Capitol leave for Senator Scanlon.

The PRESIDENT pro tempore. Senator O’Pake requests a temporary Capitol leave for Senator Scanlon. Without objection, that leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 60 (Pr. No. 49) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Secretary of Transportation to negotiate an interstate compact with states adjoining this Commonwealth concerning maintenance and repair of public highways, transportation facilities and rights-of-way on or along state lines.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O’Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Leimmond	Rhoades	Williams

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.

HB 1620 CALLED UP OUT OF ORDER

HB 1620 (Pr. No. 2594) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator FISHER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 1620 (Pr. No. 2594) — The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain obsolete laws relating to liquor.

Considered the third time,

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

FISHER AMENDMENT

Senator FISHER, by unanimous consent, offered the following amendment No. A2774:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, “An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,” further providing for the definition of “airport restaurant”; and repealing certain obsolete laws relating to liquor.

Amend Bill, page 1, by inserting between lines 3 and 4:

Section 1. Section 461(d) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—***

(d) “Airport restaurant,” as used in this section, shall mean restaurant facilities at any airport for public accommodation, which are owned or operated directly or through lessees by the Commonwealth of Pennsylvania, by any municipal authority, county or city, either severally or jointly, with any other municipal authority, county or city, but shall not include any such restaurant facilities at any airport situated in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is not permitted. An airport restaurant is not subject to the seating requirements nor to the square footage requirements of the definition of restaurant in section 102. An airport restaurant may have unlimited extensions of service areas providing all extended service areas are inside the airport terminal building or buildings, notwithstanding any intervening thoroughfares.

Amend Sec. 1, page 1, line 4, by striking out “1” and inserting:

2

Amend Sec. 2, page 2, line 6, by striking out “2” and inserting:

3

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

Senator FISHER. Mr. President, this amendment is an attempt to clarify the definition of airport restaurant. The purpose of offering the amendment is to clarify a situation at the soon-to-be-opened new Midfield Terminal in Allegheny County, where licensees require certain changes under the current liquor law, particularly as it applies to extensions of the premises so that they can have more than one extension licensed under a particular license.

I would urge affirmative support for this amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

LEGISLATIVE LEAVES CANCELLED

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

And the question recurring,

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

FUMO AMENDMENT

Senator FUMO, by unanimous consent, on behalf of himself and Senator SALVATORE, offered the following amendment No. A2724:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for administrative law judges and for licenses for distilleries, wineries, bailees and transporters; and making repeals.

Amend Bill, page 1, line 4, by striking out all of said line and inserting:

Section 1. Section 212(c) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended December 7, 1990 (P.L.622, No.160), is amended and the section is amended by adding subsections to read:

Section 212. Office of Administrative Law Judge.—* * *

(c) Administrative law judges shall preside at all [licensing,] citation and other enforcement hearings required or permitted under this act. [An administrative law judge shall recuse himself in a licensing proceeding if the licensee or prospective licensee can demonstrate that the judge has heard an enforcement matter concerning the licensee or prospective licensee. An administrative law judge shall recuse himself in an enforcement proceeding if the person subject to enforcement can demonstrate that the judge has heard a licensing matter concerning the person. Administrative law judges shall inform persons and their counsel of recusal rights under this subsection.]

* * *

(h) The board shall select five hearing examiners from the complement of hearing examiners, who have been appointed by the Governor and who are employed by the board on the effective date of this subsection, to conduct the licensing hearings required by this act. The selection of the five hearing examiners shall be at the board's discretion.

(i) Nothing in this section or this act shall be construed or intended to change the terms and conditions of employment of the five hearing examiners selected by the board pursuant to subsection (h).

Section 2. Sections 402, 433, 464 and 507(a) and (b) of the act, amended December 7, 1990 (P.L.622, No.160), are amended to read:

Section 402. License Districts; License Year; Hearings.—(a) The board shall, by regulation, divide the State into convenient license districts and shall hold hearings on applications for licenses and renewals thereof, as it deems necessary, at a convenient place or places in each of said districts, at such times as it shall fix, by regulation, for the purpose of hearing testimony for and against applications for new licenses and renewals thereof. The board shall hold a hearing on any application for a new hotel, club or restaurant liquor license or the transfer of any such license to a new location, upon the request of any person with standing to testify under subsection (b) if the request is filed with the board within the first fifteen days of posting of the notice of application pursuant to section 403(g). The board [shall] may provide for the holding of such hearings by [administrative law judges, who] hearing examiners learned in the law, to be appointed by the Governor, who shall not be subject to the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." Such hearing examiners shall make a report to the board in each case with their recommendations. The board shall, by regulation, fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State.

(b) Where a hearing is held in the case of an application for a new hotel, club or restaurant liquor license or an application for the transfer of a hotel, club or restaurant liquor license to a new location, the board shall permit residents residing within a radius of five hundred feet of the premises to testify at the hearing. The board and any [administrative law judge] hearing examiner thereof shall give appropriate evidentiary weight to any testimony of such residents given at the hearing.

Section 433. Public Service Licenses.—The board may issue public service malt and brewed beverage licenses to a railroad, pullman or steamship company permitting malt or brewed beverages to be sold at retail in dining, club or buffet cars, or the dining compartments of steamships or vessels, for consumption on the trains, steamships or vessels wherever operated in the State, except when standing in stations or terminals within a municipality wherein retail sales are prohibited. Such licenses shall only be granted to reputable persons and for fit places. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated. The board shall have the power to suspend or revoke any such licenses for cause after granting to the licensee a hearing before [an administrative law judge] hearing examiner. Any person aggrieved by the decision of the board in refusing, suspending or revoking any such license may appeal to the Commonwealth Court in the same manner as provided in this article for appeals from refusals of licenses.

Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals.—The board may of its own motion, and shall upon the written request of any applicant for club, hotel or restaurant liquor license, or any applicant for any malt or brewed beverage license other than a public service license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such

application for license or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before [an administrative law judge] a hearing examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. [The administrative law judge shall thereafter make a report, including the judge's recommendation, to the board in each case.] The hearing examiner shall thereafter report, with the examiner's recommendation, to the board in each case. The board shall thereupon grant or refuse the license, renewal or transfer thereof. In considering the renewal of a license, the board shall not refuse any such renewal on the basis of the propriety of the original issuance or any prior renewal of such license. If the board shall refuse such license, renewal or transfer following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared at any hearing, as above provided, who is aggrieved by the refusal of the board to issue any such license or to renew or transfer any such license may appeal, or any church, hospital, charitable institution, school or public playground located within three hundred feet of the premises applied for, aggrieved by the action of the board in granting the issuance of any such license or the transfer of any such license, may take an appeal limited to the question of such grievance, within twenty days from date of refusal or grant, to the court of common pleas of the county in which the premises applied for is located. Such appeal shall be upon petition of the aggrieved party, who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board. The said appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo on questions of fact, administrative discretion and such other matters as are involved, at such time as it shall fix, of which notice shall be given to the board. The court shall either sustain or over-rule the action of the board and either order or deny the issuance of a new license or the renewal or transfer of the license to the applicant.

Section 507. Hearings on Licenses and Refusals.—(a) The board may of its own motion, and shall upon the written request of the enforcement bureau or of any applicant for license or for renewal thereof whose application for such license or renewal has been refused, fix a time and place for hearing of such application or renewal, notice of which hearing shall be sent to the bureau and to the applicant, by registered mail, at the address given in his application. Such hearing shall be before [an administrative law judge] a hearing examiner designated by the board.

(b) At such hearing, the board shall present its reasons for its refusal or withholding of such license or renewal thereof or the bureau shall present its objections to the granting or renewal of the license, as the case may be. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board or the bureau, and may present evidence which shall likewise be subject to cross-examination by the board or the bureau. Such hearing shall be stenographically recorded. The [administrative law judge] hearing examiner shall thereafter make a report, including the [judge's] examiner's recommendation, to the board in each case. The board shall thereafter grant or refuse the license or renewal thereof.

Section 3. The following acts and parts of acts are repealed:

Amend Sec. 2, page 2, line 6, by striking out all of said line and inserting:

Section 4. This act shall take effect as follows:

(1) The amendment of sections 402, 433, 464 and 507(a) and (b) of the act shall take effect June 30, 1992, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Basically, Mr. President, this bill deals with the liquor bill and it deals with the hearing examiners. It reduces the number from 13 to 5 and grandfathers in those individuals. Otherwise, it is the same as, I am told, what was done in the House.

I would ask for its adoption.

Senator SHUMAKER. Mr. President, I cannot believe that old-style politics at its worst is forcing us to revisit the issue of retaining a handful of hearing examiner positions within the LCB. These positions are scheduled to die at the end of this month, actually next Tuesday, and I say, let them rest in peace. They represent nothing more than an unnecessary pocket of political patronage. The General Assembly declared them to be useless in 1990, and we should all have the political courage to find them to be just as useless and wasteful today.

We have all heard of pork barrel politics. In Pennsylvania, we have whiskey barrel politics. These positions are the ghosts of politics past, and they should not be resurrected again to protect five examiners with friends in high places.

The travesty of retaining these five positions is all the more apparent when we consider that the Commonwealth has laid off thousands of State employees in times of fiscal difficulty but we are now scrambling to protect five cushy jobs. These five positions are totally unnecessary, because we now have a whole system in place to do the job once done by the hearing examiners, and to do it better. Many of the hearing examiners' duties were transferred to independent administrative law judges when the General Assembly revamped the LCB in 1987. These positions are Civil Service jobs, meaning that they are awarded based solely upon merit and they are held by full-time attorneys.

There are some who argue that the hearing examiner positions should be retained because they are much more responsive to legislators than the ALJs. Let us be honest with ourselves. Should the hearing examiners be responsive to legislators? I think we should have independent people appointed on their own merit to decide on the merits of each case, free from political string-pulling, not people who are beholden to those who put them there. We also need people who can give us more bang for the buck, and the administrative law judges clearly do that. In a productivity comparison pitting administrative law judges against hearing examiners, 8 administrative law judges held 1,363 hearings in 1991, versus 201 hearings for 12 hearing examiners. And hearings are not the only indicator of workload. The ALJs completed a total of 3,736 adjudications that same year.

I have heard the argument that we are only talking about five positions now, so what is the big deal? But let us call a spade a spade, and a plum a plum. To retain these jobs, whether 13, or 10, or 5, or 1 of them, is to blatantly perpetuate the old-style system of political patronage. These positions may represent only \$250,000 or so, but \$250,000 starts to add up. I know of many groups who would love to have that \$250,000. These positions are symbolic of the massive waste running throughout government. This is the kind of baloney the taxpayers are sick and tired of, and it is no wonder. Let us cut it out, and keep it out.

I would like to know how many incumbents facing reelection this November can defend their votes to taxpayers should they vote to save these positions. I do not know how they could justify such a vote in their own conscience. These people must have some friends in high places to have made it thus far. Do not let them get any farther.

I hope that everyone in the Senate will stand up for good government and vote to abolish these specters of political patronage once and for all.

Thank you, Mr. President. I would ask for a negative vote. Senator FUMO. Mr. President, if I may, in response.

The gentleman has made, obviously, a good political speech on the issue, couching himself in the American Flag and the white hat and everything else, but I severely differ with him. We see no objection to ALJs, but I have seen many people come to me and tell me that they are messing up the process. I have many constituents and people in our caucus complaining about the number of so-called, quote, "reforms," end of quote, that we put in last time.

Mr. President, this reduces the number of hearing examiners, and the gentleman, when he wants to call people bums, I would respectfully ask that he not do that on the Senate floor because I resent that comment. I do not think these people are bums, the same way I do not think that many of the good, fine employees in his district are bums.

Mr. President, then to even intimate that Civil Service is the panacea for the future of good government is probably the grossest misstatement I have ever heard in my life. Mr. President, there is nothing worse in this State or in this country than the entrenched Civil Service system that is not responsive to anyone. It just goes on and on and on. We sometimes wonder who is running government. This is still an elective form of democracy. It is not a bureaucracy grown out of the communistic-type governments that we have just seen fall apart because of that type of attitude. There is nothing wrong with political appointees if they are qualified and do their jobs. I wonder if the gentleman would like to have Civil Service tests for his staff and have to hire his own staff off of a Civil Service list. I doubt very much if he would appreciate that, and I also doubt very much if he would say his staff were bums because they were not hired through Civil Service.

Mr. President, I, who am the maker of this amendment, and the gentleman from Philadelphia, Senator Salvatore, who joins with me in making this amendment, have never said that the reason why we want to keep these individuals is because

they would be responsive to legislators. Mr. President, I take that as a personal offense. I have never called one of these individuals for anything, and I doubt very much that I could name them, as the gentleman seems to imply they are so well-known among all of us who are here in the legislature. I think those kinds of remarks are reprehensible. I recognize the political nature of them, so therefore I will absolve the gentleman from any bad motives in them.

But I think, Mr. President, the issue here is that there are five people left in these positions. They are performing their jobs very well, they are performing a useful function, and I hate to see the gentleman target them as what is wrong with the government of Pennsylvania today and America today. If we want to get into that debate, we can go on here for hours and hours and hours. These five individuals are not in a special category. They are not bums, and I do not wish to, quote, "call a spade a spade," end quote. I think that is another reprehensible comment that has been made.

Mr. President, I ask for an affirmative vote on this amendment to get this debate behind us once and for all.

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

Senator BELL. Mr. President, I think the gentleman from Philadelphia protesteth too much. We will not go on for hours and hours and hours. But after his glamorous speech, I am now going to support the gentleman from Dauphin, Senator Shumaker.

Senator SHUMAKER. Mr. President, I am going to be very short. I do not know whether the gentleman from Philadelphia, Senator Fumo, was listening, but the word "bum" was never used. I am not going to refute what he said. I am just saying what I said before. This is reprehensible. It could be done very well by professionals who are not subject whatsoever to the politics of either party. I just think that we have to give a negative vote to show that we understand that, and we are going to stick by the vote we had one year and six months ago when we passed this bill unanimously.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Loeper and Senator Fattah. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Hopper.

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

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Mellow, Senator Musto, and Senator Stapleton.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Mellow, Senator Musto, and Senator Stapleton. The Chair hears no objection. The leaves will be granted.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—29

Afflerbach	Fumo	Musto	Scanlon
Andrezski	Holl	O'Pake	Schwartz
Armstrong	LaValle	Pecora	Stapleton
Belan	Lemmond	Porterfield	Stewart
Bodack	Lewis	Reibman	Stout
Dawida	Loeper	Rhoades	Tilghman
Fattah	Mellow	Salvatore	Williams
Fisher			

NAYS—18

Baker	Greenleaf	Jubelirer	Robbins
Bell	Greenwood	Madigan	Shaffer
Bortner	Hart	Peterson	Shumaker
Brightbill	Helfrick	Punt	Wenger
Corman	Hopper		

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

And the question recurring,

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

BRIGHTBILL AMENDMENT

Senator FISHER, by unanimous consent, on behalf of Senator BRIGHTBILL, offered the following amendment No. A2541:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for brewery licenses; further providing for liquor and malt and brewed beverage licensing for incorporated units of national veterans' organizations; further providing for exemptions from licensure for distilleries, wineries, bailees and carriers; and making repeals.

Amend Bill, page 1, by inserting between lines 3 and 4:

Section 1. Section 446 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a clause to read:

Section 446. Breweries.—Holders of a brewery license may:

(3) Use brewery storage and distribution facilities for the purpose of receiving, storing and distributing malt or brewed beverages manufactured outside this Commonwealth if the beverages are distributed in this Commonwealth only through specific importing distributors who shall have first been given distributing rights for such products in designated geographical areas through the distribution system required for out-of-State manufacturers under subsection (b) of section 431 of this act as well as all other pertinent sections of this act. The manufacturer of the beverages must comply with section 444 of this act.

Section 2. Sections 461.1 and 502 of the act are amended to read:

Section 461.1. Incorporated Units of National Veterans' Organizations.—(a) The board shall have the authority to issue new licenses to incorporated units of national veterans' organizations, as defined herein, in municipalities where the number of licenses exceeds the limitation prescribed by section 461.

(b) The term "national veterans' organization" shall mean any veterans' organization having a national charter.

The term "incorporated unit of a national veterans' organization" shall mean any incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization having one hundred or more paid up members and organized for a period of at least [three years] one year prior to filing the application for a license.

(c) When the charter of an incorporated unit of a national veterans' organization is suspended or revoked, the retail license of the organization shall also be suspended or revoked. The retail license of an incorporated unit of a national veterans' organization is not transferable to any other organization or person.

Section 502. Exemptions.—No license hereunder shall be required from any registered pharmacist; or a physician licensed by the State Board of Medicine; or any person who makes and sells vinegar, nonalcoholic cider and fruit juices; or any person who manufactures, stores, sells or transports methanol, propanol, butanol and amanol; or any person who conducts a wholesale drug business; or any person who manufactures alcoholic preparations not fit for use as a beverage, other than denatured alcohol or for beverage purposes; any person engaged in the manufacture; possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations unfit for beverage purposes, or solutions or flavoring extracts or syrups unfit for beverage purposes; or any person who manufactures or sells paints, varnishes, enamels, lacquers, stains or paint, or varnish removing or reducing compounds, or wood fillers; or any person who manufactures any substance where the alcohol or any liquor is changed into other chemical substances and does not appear in the finished product as alcohol or liquor; or any common carrier by railroad which is subject to regulation by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania, or scheduled common carriers by air of mail and passengers; or any person who sells, stores or transports alcohol or liquor completely denatured, as specified by the board[.]; or any person licensed under Article IV of this act for malt and brewed beverages who manufactures, distills or otherwise produces alcohol as a byproduct of the manufacture of any reduced alcohol or nonalcohol malt or brewed beverage if the byproduct is not intended nor used as a beverage for human consumption except as part of the malt or brewed beverage.

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

3

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting:

4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

MELLOW AMENDMENT

Senator STEWART, by unanimous consent, on behalf of Senator MELLOW, offered the following amendment No. A2743:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," providing for liquor licenses for concessionaires in cities of the second class A; and repealing certain obsolete laws relating to liquor.

Amend Bill, page 1, by inserting between lines 3 and 4:

Section 1. The act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a section to read:

Section 408.10. Recreation Facilities.—(a) The board is authorized to issue a license in any city of the second class A for the retail sale of liquor and malt or brewed beverages by the glass, open bottles or other container or in any mixture for consumption in any recreation facility on premises owned by the city, the county or a county authority.

(b) The application for a license under this section may be filed at any time by a concessionaire selected and certified by the city, county or authority and shall conform with all requirements for restaurant-liquor licenses and applications except as may otherwise be provided herein. The applicant shall submit such other information as the board may require. Applications shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee which shall accompany the license application shall be twenty dollars (\$20).

(c) Upon receipt of the application in proper form and the application fee and upon being satisfied that the applicant is of good repute and financially responsible and that the proposed place of business is proper, the board shall issue a license to the applicant.

(d) The license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the contract between the concessionaire and the city, county or authority.

(e) The annual fee for a license issued under this section shall be six hundred dollars (\$600), and shall accompany the application for the license. Whenever a concessionaire's contract terminates, the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.

(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000) and in addition thereto the applicant shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).

(g) Sales by the holder of a license issued under this section may be made except to those persons prohibited under clause (1) of section 493 on premises owned by the city, county or authority and available for use for recreation during the hours in which the recreation activity is being held and up to one hour after the scheduled closing, and at functions which are incidental to or part of the recreation activities, but such sales may not be made beyond the hours expressed in the code for the sale of liquor by restaurant licensees: Provided, however, That such sales may be made on Sunday between the hours of twelve o'clock noon and ten o'clock postmeridian: And, provided further, That during the hours expressed in this act for the sale of liquor by hotel licensees, sales of such liquor or malt or brewed beverages may be made by said licensee at banquets, not incidental to recreation activities, at which more than two thousand persons are scheduled to attend, and at functions irrespective of attendance, which are directly related to recreation activities.

(h) Whenever a contract is terminated prior to the expiration date provided in the contract between the city, county or authority and the concessionaire, the city, county or authority may select and certify to the board a different concessionaire which concessionaire shall apply to the board for a new license. If the applicant meets the requirements of the board as herein provided, a new license shall thereupon be issued. If any license issued under this paragraph is revoked, the board shall issue a new license to any qualified applicant without regard to the prohibition in section 471, against the grant of a license at the same premises for a period of at least one (1) year.

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

2

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting:

3

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 STEWART.

BILLS OVER IN ORDER

HB 124 and 184 — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON THIRD CONSIDERATION AMENDED

HB 203 (Pr. No. 213) — The Senate proceeded to consideration of the bill, entitled:

An Act encouraging caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A2609:

Amend Title, page 1, line 1, by striking out "Encouraging" and inserting: Providing cemetery companies or associations with the right to inter a dead human body in a ground space, a mauso-

leum, a columbarium or a niche to which interment rights have been abandoned; and encouraging

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

Section 1. Abandoned interment rights.

(a) General rule.—When interment rights that have been granted by a cemetery company or association are not used for a period of 50 years or more, they shall be deemed abandoned and shall revert to the cemetery company or association if the procedure in subsection (b) is followed.

(b) Procedure.—A cemetery company or association shall send a registered return receipt letter to the owner of record, his or her heirs or assigns or any next of kin known to the cemetery company or association of the interment rights at his or her last known address requesting the owner's current address or the names and addresses of the heirs or assigns of the owner of record. If a written response is received, the records of the cemetery company or association shall be amended accordingly, and the interment rights shall not be deemed abandoned. The receipt of this written response shall guarantee the interment rights may not be deemed abandoned for 50 years from the date the written response was received by the cemetery company or association. If the registered letter is undeliverable, or if no response is received within 30 days after the registered letter was sent, the cemetery company or association shall advertise a notice of its intent to declare the rights deemed abandoned in a newspaper of general circulation in the county where the cemetery is located and also in the county of the last known address of the owner of record, which notice shall contain the name and business address of the cemetery and the name of the last owner of record. If no response to the notice of intent to declare the interment rights abandoned is made on behalf of the owner of record or his or her heirs or assigns within 120 days, the interment right shall be deemed abandoned and shall revert to the cemetery company or association. If a written response is received, the receipt of this response shall guarantee the interment rights may not be deemed abandoned for 50 years from the date the written response was received by the cemetery company or association.

(c) Rights of owner of record.—If, within 30 years after the interment right has been abandoned, the owner of record or his or her heirs or assigns can prove to a cemetery company or association or a court of competent jurisdiction that he or she is entitled to the interment right, the cemetery company or association shall, at no cost, provide a right of interment similar to the one that was abandoned.

Section 2. Historic burial places.

Amend Sec. 1, page 1, line 7, by inserting before "The":

(a) Purpose.—

Amend Bill, page 1, lines 11 through 17; page 2, lines 1 through 8, by striking out all of said lines on said pages and inserting:

(b) General rule.—Except as provided in subsection (d), a caretaker organization

Amend Sec. 4, page 2, lines 13 and 14, by striking out all of said lines and inserting:

(c) Limitations.—Except as provided in subsection (d), a caretaker organization

Amend Sec. 5, page 2, line 25, by striking out all of said line

Amend Sec. 5, page 2, line 26, by inserting before "Nothing":

(d) Willful or malicious actions.—

Amend Sec. 6, page 2, line 30, by striking out all of said line

Amend Sec. 6, page 3, line 1, by striking out all of said line and inserting: (e) Construction.—Nothing in this section shall be construed to:

Amend Bill, page 3, by inserting between lines 8 and 9:

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Caretaker organization." A nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)) which owns or otherwise assumes responsibility for the restoration and maintenance of a historic burial place.

"Historic burial place." A tract of land that has been in existence as a burial ground for more than 100 years wherein there have been no burials for at least 50 years and wherein there will be no future burials.

Amend Sec. 7, page 3, line 9, by striking out "7" and inserting:
3

On the question,

Will the Senate agree to the amendment?

Senator O'PAKE. Mr. President, would the gentleman please explain what the amendment does?

Senator GREENWOOD. Mr. President, this amendment attempts to solve a problem faced by cemetery companies or associations in the Commonwealth of Pennsylvania wherein individuals who purchase interment rights, or the rights to have themselves or another buried in a cemetery facility, abandon those rights, for whatever reason, and do not use them for 50 years. Under such circumstances, under current law, the cemeteries are essentially left with these unused facilities and cannot, in fact, inter another individual into that spot ever. And what that does is it wastes a lot of space, or at least some space, in some cemeteries and causes them to go out and find new territory in order to meet the demand.

What this does is finds an orderly and I think very conservative method by which we can deal with these abandoned rights. The purchaser of the interment right would have to abandon it for 50 years before it could be deemed to have been potentially abandoned by the cemetery. The cemetery would then be required to, by certified mail, notify the purchaser or their next of kin or any other names that they have on file in their facility, and if the individual responds to that notification, then the site would be deemed not abandoned. If no one responds to that written notice, then there is a requirement for 180 days of advertisements in local newspapers, and only then could an individual cemetery association deem the site abandoned.

We then go on to say that even after all of that, if at any time during the next 30 years an individual comes back and can demonstrate entitlement to be interred in that cemetery, that individual would be interred in a similar facility.

The PRESIDENT. Does that satisfy the gentleman?

Senator O'PAKE. Yes, Mr. President.

Senator BELL. Mr. President, first of all, when we are talking about cemeteries, we are not talking about church cemeteries or the old-time cemeteries. We are talking about cemeteries that are owned by corporations, and we are talking about escheating where there have been lots sold in the past and no burials put in them. And this is a property right. It is a right of interment.

I wrote a letter a week ago, when I got into this, to the Secretary of Revenue and called her attention to the fact that this could be a way to avoid escheating personal property rights to the Commonwealth. For instance, if you have a bank and the

depositor does not show up for a number of years, the contents of that bank account is escheated to the Commonwealth. There is a period of reclaimer, and for the purpose of the record, I also said I would not claim a finder's fee, because under escheat laws, when there are properties that are escheated to the Commonwealth, the informer gets a sizable part of the value of the property. So, here we have a situation where private corporations are going to benefit and sell the right of interment for a second time, and it is my position, until I am told otherwise by the Department of Revenue, that this belongs to the Commonwealth of Pennsylvania. So, unless I am told otherwise by the Secretary of Revenue, in response to my written inquiry, I am assuming this is giving away property of the Commonwealth to cemetery corporations.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Brightbill and Senator Tilghman. Their temporary Capitol leaves will be cancelled.

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

Senator FISHER. Mr. President, just briefly.

Mr. President, I rise in support of the amendment offered by the gentleman from Bucks, Senator Greenwood.

On the point raised by the gentleman from Delaware, Senator Bell, I think that the issue raised is a very interesting one as to whether or not Pennsylvania's abandoned property law, or escheat law, as it has been known over the years, actually applies to interment rights. We have had an opportunity this afternoon to take a look at that statute, which was passed by this General Assembly in 1986, and I would just like to say that I think it is very, very unclear, and it would be a remote interpretation, in my opinion, of that law that the law does, in fact, apply to interment rights. In fact, the law is very specific as to various property rights. It is very specific as to how various property rights would go to the Commonwealth after a designated period of time, and I believe that this General Assembly has the authority and would be so doing, by the passage of this amendment, to specify that the means by which interment rights would be disposed of would be pursuant to this act if, in fact, the bill was passed by the Senate and the House and signed by the Governor.

So I just wanted to put that on the record, and I would urge a "yes" vote on the Greenwood amendment.

LEGISLATIVE LEAVES

Senator O'PAKE. Mr. President, this is to request temporary Capitol leaves for Senator Fattah and Senator Jones.

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

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

Senator BELL. I request a roll call.

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

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

YEAS—36

Afflerbach	Fisher	Jubelirer	Reibman
Andrezeski	Fumo	LaValle	Robbins
Baker	Greenleaf	Lemmond	Salvatore
Belan	Greenwood	Lewis	Scanlon
Bortner	Hart	Loeper	Schwartz
Brightbill	Helfrick	Mellow	Shaffer
Corman	Holl	Musto	Stapleton
Dawida	Hopper	O'Pake	Stewart
Fattah	Jones	Peterson	Williams

NAYS—12

Armstrong	Madigan	Punt	Stout
Bell	Pecora	Rhoades	Tilghman
Bodack	Porterfield	Shumaker	Wenger

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

The PRESIDENT. Without objection, House Bill No. 203 will go over in its order, as amended.

BILLS OVER IN ORDER

HB 211, SB 424, 437 and 712 — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 717 (Pr. No. 2353) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 795 — Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILLS ON THIRD CONSIDERATION AMENDED

HB 960 (Pr. No. 2875) — The Senate proceeded to consideration of the bill, entitled:

An Act exempting owners of dog training and special retriever training areas from any civil or criminal actions relating to noise pollution.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator ROBBINS, by unanimous consent, offered the following amendment No. A2518:

Amend Sec. 2, page 2, line 6, by inserting after "were": and remain

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 ROBBINS.

SB 1097 (Pr. No. 2324) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," further providing for the disposition of dangerous dogs.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, by unanimous consent, offered the following amendment No. A2750:

Amend Sec. 1 (Sec. 502-A), page 2, line 27, by inserting brackets before and after "without provocation"

Amend Sec. 1 (Sec. 502-A), page 4, line 6, by striking out "such"

Amend Sec. 1 (Sec. 502-A), page 4, line 7, by inserting after "disposition": provided for in this act

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 O'PAKE.

BILLS OVER IN ORDER

HB 1147 and **SB 1239** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL REREFERRED

SB 1328 (Pr. No. 2320) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the preservation of records of historical value; providing powers and duties of the Pennsylvania Historical and Museum Commission and local historical and archaeological societies; providing for agreements, embargoes and injunctions; and providing a penalty.

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

BILL OVER IN ORDER

SB 1375 — Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1680 (Pr. No. 2359) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey a tract of land situate in the Borough of State College, Centre County, Pennsylvania, to the Borough of State College.

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—48

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 1789 (Pr. No. 2286) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1989 (P. L. 313, No. 52), entitled "Industrial Communities Action Program Act," providing for definitions; broadening the scope of eligible project activities and eligibility requirements; and extending the time under which grants shall be awarded by the department pursuant to this act.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A2341:

Amend Sec. 2 (Sec. 5), page 3, lines 14 and 15, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator SHAFFER. Mr. President, will the maker of the amendment stand for brief interrogation?

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

Senator FUMO. I will, Mr. President.

Senator SHAFFER. Mr. President, can the gentleman tell us what the ultimate goal or the purpose of his amendment is intended to be?

Senator FUMO. Mr. President, this amendment would give greater flexibility to the Department of Commerce in granting loans under the Industrial Communities Action Program by allowing for multitenant facilities, including retail space.

Senator SHAFFER. Mr. President, can the gentleman tell us whether or not, under his amendment, there would be any legal restriction as to how much of a facility could be used for retail space?

Senator FUMO. Mr. President, there is none.

Senator SHAFFER. Mr. President, those are all the questions I have, but I would like to be recognized at the appropriate time to speak on the amendment.

The PRESIDENT. The gentleman is in order to comment on the amendment at this time.

Senator SHAFFER. Thank you, Mr. President.

I rise to oppose the amendment and ask for a "no" vote on the same.

This bill is really a reauthorization bill for the Industrial Communities Action Program, which has been around since about 1988. It was formerly initially known as the Steel Valley Initiative, and its intent then and I think still today, like this legislation, is to help large, old industrial facilities, principally those in the industrial areas of some of our cities mainly in western Pennsylvania that have fallen into complete disuse. And between 1982 and 1986, it became very clear, Mr. President, that unless we had a specific program envisioned for the renovation of these buildings principally or exclusively for reuse as industrial facilities, that these buildings were going to sit and fall down.

Indeed, this program has been a success. Each year we have appropriated \$10 million to encourage and to keep our industrial base. That is the purpose of this program, in my judgment, Mr. President, to keep our industrial base, and what the gentleman's amendment would allow would be for retail businesses to be used. There is no exclusivity. There is no limit as to the amount of retail use in the gentleman's amendment.

So, therefore, I would conclude, Mr. President, that we are changing dramatically the intent of what the Industrial Communities Action Program has heretofore done. It has been a good program. It has helped many of us who have old, aging industrial facilities to rehabilitate those facilities for industrial use, which has a great multiplier effect, and I think it is fairly well beyond dispute that retail jobs do not have a similar multiplier effect that manufacturing and industrial jobs provide.

Mr. President, I would say that if the gentleman wants to change, really, the thrust or the direction or the goal of this, the ICA program, then we should do it in a deliberative process. We should have legislation, separate legislation, in that regard so we could debate that on the floor, whether or not we want to do this for retail space.

Unless and until that occurs, Mr. President, by way of amendment here today, I would ask for a "no" vote.

Senator FUMO. Mr. President, the project would still have to come under the other provisions of the bill and would have to include some industrial use. The problem becomes that there are some sites where you may want to have a first floor partial retail use in order to make the project fly, and all this does is gives the department greater flexibility in those instances. The department would still have to make the final determination. The objective is still to do industrial development, and I might add that we are very familiar with this program because it started out as a Democratic program in 1988 with PERF. That was a Democratic program. I might also add that in the 1990-91 budget this program lapsed \$1,600,000, and it is estimated in 1991-92 it will lapse \$800,000. And all we are saying is that we do not want to restrict the department in any one of these sites from making a viable project go through. These things still have to meet all the other provisions of the bill. It just adds a little more flexibility to the department that ultimately determines what has to be done.

Thank you, Mr. President. I would ask for an affirmative vote.

Senator STEWART. Mr. President, as was stated by the gentleman from Butler, Senator Shaffer, this program had its roots in what we knew then as the Steel Valley Initiative. And I suppose had the gentleman from Philadelphia, Senator Fumo, been offering this amendment back then when the Steel Valley Initiative legislation was before us, I would have probably opposed it for many of the reasons stated. However, our experience with the program is such that I think the department needs the kind of flexibility that Senator Fumo is trying to insert into the act. There are a number of industrial prospects that have benefited by the resources that this program provides, but in the instance that I am familiar with there are a number of retail operations—Wal-Mart is one that comes to mind—that are looking to expand in the northeast, particularly in Pennsylvania. We could use, in our effort to entice them, the flexibility from the Department of Commerce of this kind of a program.

So again, Mr. President, had this been a couple of years ago, I would have probably opposed it, but given the experi-

ences that we have had with the program, I do think the Department of Commerce needs the flexibility that the amendment provides.

I would urge an affirmative vote.

Senator PETERSON. Mr. President, I rise to oppose the amendment for the following reasons. I spent most of my adult life working in the commercial/retail business, and the problem we have in this Commonwealth is not that we do not have enough commercial establishments. We do not have enough industrial based jobs to fund them.

Commercial establishments will grow and prosper wherever you have enough base income to support them. When you fund new commercial developments and bring in Wal-Marts or other supermarkets—I was in the food retail business—you just take business away from the existing businesses. Now, I am not saying that is totally bad. Times change and ways of marketing change, but I am not so sure that we best use State dollars when we are transferring people from purchasing their goods at one commercial business to another. What we need to do, and specifically in the western part of the State, if we are ever going to have a vital industrial economy again, is we have to put our resources into those good jobs that allow people to have money to spend. Then the commercial establishments will expand and grow, when there is more spendable income out there, but transferring them from our present markets to new markets or new companies that have come up, using State dollars to do that, I do not think is the wisest expenditure. If you want to start an additional program, fine, but someone said that we were lapsing funds. Well, you do not need to. The \$10 million could be used in my 10 counties for a number of years and we would not get all the old establishments cleaned up that need to be cleaned up, there are so many out there. It has been lapsed because Mike Hershock, the Budget Secretary, has not allowed them to spend it all and he has lapsed it. It has not been lapsed because there were no projects. I had projects last year I tried to get into that pipeline and had to wait until this year's coming budget because there was no money left, and I heard someone say that we are going to lapse \$800,000. Well, it was not because there was a lack of projects.

If we do not concentrate on the good manufacturing/industrial jobs and reestablish good ones in some of the areas where we have lost them, we are not going to have the base to support commercial business. The baseline we need and what we need to put our resources behind is the good industrial/manufacturing jobs, and that is what this program is meant to do, and that is what it should be kept doing.

Senator FUMO. Mr. President, perhaps the gentleman has not read the bill on page 3. You cannot have one of these programs unless it meets one of the three criteria set forth, the first of which, that "the enterprise offers employment comparable in wages and benefits to industrial enterprise activity in the region;" the second one, "the enterprise provides goods or services which add value to the goods or services of other businesses important to the regional economy;" and the third one, "the enterprise performs services to customers outside the region."

Mr. President, we are not arguing that we want this program predominately to add good paying jobs. Granted, we should have industrial jobs wherever possible because they are the good paying jobs. All we are saying is that some of those good paying jobs that can be created should not be prohibited from being created merely because one of the facilities may want to have a retail outlet.

Now, let me tell you what we mean by retail outlet. We are not talking about a shopping mall. What if somebody wanted to start a bakery where they are going to have baked goods? That is industrial. They are good paying wages. But what if they wanted to sell some of the bread out front at a retail location? They cannot as long as this provision is in there. What if it is a manufacturer who wants to manufacture a product and have a retail outlet for some of that product as we see, regrettably not as much anymore, in the clothing industry? Under this bill, we cannot entice that type of a manufacturer to one of these spots because we would prohibit him from having partial use of a retail facility.

Mr. President, this is not for shopping malls, this is not for bad paying jobs, it is for good paying jobs. And as far as what has happened, Michael Hershock did not lapse the \$1.6 million from '90-'91. There just was not enough demand for the program. Granted, in '91-'92 he did reserve, so far, \$800,000, and the year is not closed out yet.

But the crux of the argument is, what is wrong with enticing someone to come in and create jobs that have to fill this definition if one of the criteria that the employer has is that he may want to have a, quote, "wholesale/retail" outlet facility there? In Philadelphia it is common with our clothing manufacturers to run these types of operations onsite. Now, I know we may have some egos involved here because somebody else did not think of this, but our staff did. And I hope we would put aside the egos and stop trying to win points and stop trying to tie the department's hands when they might be able to create a job. I do not care where a job is in this Commonwealth. If it is a good paying job, I do not care what it does as long as it provides some good wages. Regrettably, some people want to take a narrow-minded approach and restrict it to some sort of thing that maybe does not even exist.

Mr. President, all this does is gives a little more flexibility. If some people want to be inflexible, I guess it is their nature, but I would hope that they would see what we are trying to do here and put their egos aside. We sincerely wish they would have thought of it before we did so that we could support their amendment, but that did not happen.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the amendment?

Senator SHAFFER. Mr. President, interestingly enough, the original bill with the language prohibiting retail use was a

bill which was approved by the Pennsylvania Department of Commerce.

Mr. President, rest assured that if this amendment goes in, the Members should know that the entire focus of the Industrial Communities Action Program Act is going to be changed. You will see a plethora, an overwhelming number of applicants from retail users to use these funds. I can use \$10 million alone in two of my towns. I am not sure why there was a lapse in funds, but I do not think it takes a rocket scientist to believe, and the Members of this Chamber indeed believe that in any one of their districts there is more than a \$10-million need for reuse of industrial sites.

We are voting today on whether or not to change the focus. I asked the gentleman during interrogation whether or not there was any restriction - is this retail for 5 percent of the use or 15 percent of the use? And he said, there is no restriction. So, just be sure when you vote, Mr. President, that each Member understands full well that they are changing what is basically an industrial program, heretofore has always been an industrial program where retail has never been a part. They are changing the focus and allowing, if my belief is true, this program to be essentially changed to a retail program.

Thank you, Mr. President.

LEGISLATIVE LEAVE

Senator FUMO. Mr. President, Senator Dawida has been called from the floor, and I request a temporary Capitol leave.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Dawida. There seems to be no objection. The leave will be granted.

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

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

YEAS—25

Afflerbach	Fattah	Mellow	Scanlon
Andrezski	Fumo	Musto	Schwartz
Armstrong	Holl	O'Pake	Stapleton
Belan	Jones	Pecora	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Reibman	Williams
Dawida			

NAYS—23

Baker	Greenwood	Loeper	Salvatore
Bell	Hart	Madigan	Shaffer
Brightbill	Helfrick	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Robbins	

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

The PRESIDENT. Without objection, Senate Bill No. 1789 will go over in its order, as amended.

BILLS OVER IN ORDER

SB 1795, HB 1859 and 2010 — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2156 (Pr. No. 2699) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey tracts of land situate in East Vincent Township, Chester County, Pennsylvania.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

NAYS—0

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

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

BILL OVER IN ORDER

HB 2216 — Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL LAID ON THE TABLE

HB 2442 (Pr. No. 3655) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), known as the "Lottery Fund Preservation Act," further providing for responsibilities of the Department of Aging, for pharmaceutical purchasing, for legislative intent, for definitions and for rebate agreements; providing for pharmaceutical purchasing discounts and for new best prices; and further providing for prudent pharmaceutical purchasing contracts and expiration.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2521 (Pr. No. 3724) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the transfer of funds within the Capital Facilities Fund designated for State Highway and Bridge Authority projects and Advanced Construction Interstate projects to highway projects of the Department of Transportation; and providing for the transfer of the balance of funds designated for site development projects.

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—48

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reitman	Wenger
Fattah	Lemmond	Rhoades	Williams

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.

SECOND CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

HB 1131 (Pr. No. 3801) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility, for public assistance identification and residence and for medical assistance; providing for liens for support and assistance; providing for maximizing Federal funds and for school attendance requirements for public assistance; and making a repeal.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 90 (Pr. No. 3802) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the rights of crime victims.

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

BILLS ON SECOND CONSIDERATION

HB 157 (Pr. No. 397) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

Considered the second time and agreed to,

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

SB 569 (Pr. No. 2344) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of a Statewide program to support and guide public schools in this Commonwealth in the establishment of extended school day-care programs for latchkey children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an allocation.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 606 and **HB 732** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL LAID ON THE TABLE

SB 785 (Pr. No. 837) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," redefining the terms "municipal employe" and "retired member's reserve account"; further providing for qualifications for disability; further providing for purchase of military time; changing provisions relating to payout of contributions and excess investment moneys; and making technical changes.

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

BILLS OVER IN ORDER

SB 823 and **HB 871** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION

HB 1028 (Pr. No. 2674) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," providing for the continuation of basic property insurance for 180 days after the insured's death.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1268 — Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION AMENDED

HB 1302 (Pr. No. 1500) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," authorizing the county commissioners in counties of the second class to impose a fee on civil and criminal cases filed in the court of common pleas to help defray the cost of maintaining records.

Considered the second time.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENWOOD offered the following amendment No. A2506:

Amend Title, page 1, line 7, by removing the period after "records" and inserting: ; and further providing for fiscal years and budgets.

Amend Sec. 1 (Sec. 405), page 2, line 2, by removing the period after "Productivity" and inserting: or, in the absence of such an office, an office that handles the same or similar functions.

Amend Bill, page 2, by inserting between lines 6 and 7:

Section 2. Section 1980(a) of the act, amended December 10, 1980 (P.L.1159, No.211), is amended to read:

Section 1980. Fiscal Year; Preparation of Annual Budget in Counties of the Second Class.—(a) The fiscal year of the county shall begin on the first day of January and end on the thirty-first day of December of each year. On or before the fifteenth day of November of each year the controller of each county of the second class shall transmit to the commissioners a proposed budget giving a detailed estimate of and for the legitimate purposes of the county for the next year, including interest due and to fall due on all lawful debts of the county bearing interest. Such budget, when finally adopted by the commissioners, shall be the guide to the commissioners in fixing the tax rate. Said budget shall be prepared as provided herein.

Section 3. The act is amended by adding a section to read:

Section 1980.1. Fiscal Year; Preparation of Annual Budget in Counties of the Second Class A.—(a) The fiscal year of the county shall begin on the first day of January and end on the thirty-first day of December of each year. The commissioners in counties of the second class A, at least thirty days prior to adopting the budget, shall begin preparation of the proposed budget for the succeeding fiscal year.

(b) The controller shall transmit to the commissioners a comparative statement of revenues for the current and the immediately preceding fiscal year, and a comparative statement of expenditures, including interest due and to fall due on all lawful interest bearing debts of the county for the same years.

(c) The controller's statement shall also indicate the amounts of all appropriation requests, submitted to the controller or to the commissioners and supplied by them to the controller, from the

several county offices and agencies, including estimates of expenditures contemplated by the commissioners as forwarded by them to the controller.

(d) Said statements, in such form and detail as the commissioners direct, shall be prepared upon a form or forms furnished, as provided in this subdivision, by the Department of Community Affairs. With this information as a guide, the commissioners shall, within a reasonable time, begin the preparation of a proposed budget for the succeeding fiscal year.

Section 4. Section 1981(a) of the act, amended December 10, 1980 (P.L.1159, No.211), is amended to read:

Section 1981. Annual Budget; Control of Expenditures.—(a) [The controller] In counties of the second class the controller, or in counties of the second class A the commissioners, shall annually prepare a proposed budget for all funds for the next fiscal year no later than November 15 of the current fiscal year. Said budget shall reflect, as nearly as possible, the estimated revenues and expenditures of the county for the year for which the budget is prepared. It shall be unlawful to prepare and advertise notice of a proposed budget when the same is knowingly inaccurate. Where, upon any revision of the budget, it appears that the estimated expenditures in the adopted budget will be increased more than ten per cent in the aggregate over the proposed budget, it shall be presumed that the tentative budget was inaccurate, and such budget may not be legally adopted with any such increases therein unless the same is again advertised once as in the case of the proposed budget and an opportunity afforded to taxpayers to examine the same and protest such increases. Said budget shall be prepared on forms furnished as provided herein. Final action shall not be taken on the proposed budget by the county commissioners until after at least ten days public notice. The proposed budget shall be published or otherwise made available for public inspection, by all persons who may interest themselves, at least twenty days prior to the date set for the adoption of the budget. The county commissioners shall, after making such revisions and changes therein as appear advisable, adopt a budget for the next fiscal year prior to December 31 of the current fiscal year and necessary appropriation measures required to put it into effect.

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting: 5

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 GREENWOOD.

BILLS ON SECOND CONSIDERATION

HB 1305 (Pr. No. 3025) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1895 (P. L. 275, No. 188), referred to as the "City Classification Law," changing the population requirements for cities of the second class, second class A and third class; and regulating home rule charter or optional plan forms of government.

Considered the second time and agreed to,

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

SB 1362 (Pr. No. 1584) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," further providing for imposition of tax.

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

SB 1434 (Pr. No. 2346) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for distribution of fines, etc.; and regulating pursuit of vehicles by police.

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

BILL OVER IN ORDER

SB 1486 — Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION AMENDED

HB 1530 (Pr. No. 3747) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing an Agricultural Advisory Board in the Department of Environmental Resources and prescribing its powers; and providing for review by the board of certain proposed rules and regulations.

Considered the second time.

On the question,

Will the Senate agree to the bill on second consideration?

Senator WENGER offered the following amendment No. A2556:

Amend Sec. 2, page 3, lines 5 through 10, by striking out all of said lines

Amend Sec. 3, page 3, lines 24 and 25, by striking out "a producer of an organic agricultural product or products and"

Amend Sec. 3, page 3, line 26, by inserting after "producer": and a representative from the agri-business industry

Amend Sec. 3, page 4, lines 21 through 26, by striking out all of said lines

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 WENGER.

BILLS OVER IN ORDER

SB 1592, 1732, HB 1781 and SB 1787 — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION

HB 2166 (Pr. No. 2707) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1980 (P. L. 1179, No. 219), known as the "Secondary Mortgage Loan Act," further providing for scope of act and for licensees' records.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 2449 and 2509 — Without objection, the bills were passed over in their order at the request of Senator FISHER.

RECESS

Senator FISHER. Mr. President, I would ask for a brief recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room, which I understand will then be followed by a meeting of the Committee on Community and Economic Development. And there will be further roll calls.

The PRESIDENT. For the information of the Members, we are about to recess for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room at the rear of the Senate Chamber, followed by a meeting of the Committee on Community and Economic Development.

And for those reasons, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS LAI'D ON THE TABLE

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

DISTRICT JUSTICE

June 22, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 23, 1992 for the appointment of C. Douglas Loughner, 169 Rhodes Drive, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, as District Justice in and for the County of Beaver, Magisterial District 36-3-02, to serve until the first Monday of January, 1994, vice Ross M. Keefer, Jr., resigned.

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

ROBERT P. CASEY.

DISTRICT JUSTICE

June 22, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 23, 1992 for the appointment of Henry T. Mavrich, 322 1/2 Wylie Avenue, Strabane 15363, Washington County, Forty-sixth Senatorial District, as District Justice in and for the County of Washington, Magisterial District 27-3-05, to serve until the first Monday of January, 1994, vice Henry A. Mavrich, resigned.

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

ROBERT P. CASEY.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

March 30, 1992.

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, Thomas I. Vanaskie, Box 1146, Scranton 18501, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1996 and until his successor is appointed and qualified, vice Kenneth Ross, terminated.

ROBERT P. CASEY.

MEMBER OF THE VENANGO COUNTY BOARD OF ASSISTANCE

May 13, 1992.

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, Paula M. Logue (Democrat), Box 593, Maple Lane, Cooperstown 16301, Venango County, Fiftieth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1994, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE VENANGO COUNTY BOARD OF ASSISTANCE

May 13, 1992.

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, Evelyn E. McLaughlin (Democrat), 8 Gateway Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1994, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 2, 1992.

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, Ann Berardocco, 386 Lombardy Road, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-1-35, to serve until the first Monday of January, 1994, vice Albert Berardocco, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator FISHER. 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.

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator FISHER, by unanimous consent, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

DISTRICT JUSTICE

June 22, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 23, 1992 for the appointment of C. Douglas Loughner, 169 Rhodes Drive, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, as District Justice in and for the County of Beaver, Magisterial District 36-3-02, to serve until the first Monday of January, 1994, vice Ross M. Keefer, Jr., resigned.

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

ROBERT P. CASEY.

DISTRICT JUSTICE

June 22, 1992.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 23, 1992 for the appointment of Henry T. Mavrich, 322 1/2 Wylie Avenue, Strabane 15363, Washington County, Forty-sixth Senatorial District, as District Justice in and

for the County of Washington, Magisterial District 27-3-05, to serve until the first Monday of January, 1994, vice Henry A. Mavrich, resigned.

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

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator FISHER,

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

The Clerk read the nominations as follows:

DISTRICT JUSTICE

June 1, 1992.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John F. Anthony, 353 Old State Road, Berwyn 19312, Chester Country, Nineteenth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-1-02, to serve until the first Monday of January, 1994, vice Armand A. Pomante, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

May 13, 1992.

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, Patricia M. Bricklin, Ph.D., 470 General Washington Road, Wayne 19087, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE FARM PRODUCTS SHOW COMMISSION

June 9, 1992.

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, Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Chester County, Thirty-sixth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice James B. Bogar, Camp Hill, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

QUESTION DIVIDED

Senator O'PAKE. Mr. President, I would ask that there be a separate roll call on the district justice of Chester County nominee, Mr. John F. Anthony.

On the question,

Will the Senate advise and consent to the nomination of John F. Anthony as District Justice of Chester County?

Senator STOUT. Mr. President, I just want to call to the attention of the membership another reason why this General Assembly is not held in too high esteem by the voters of this Commonwealth of Pennsylvania. Just a few moments ago, we had to honor a recall from the Governor recalling two district magistrates in the western part of the State - in Beaver County, a Mr. Douglas Loughner; and in my home county of Washington, a Mr. Henry Mavrich - to fill that vacancy because they have come up to the 25th day and have been caught in the hiatus of this body. Mr. Mavrich, in my case, was nominated by the Governor. Prior to that nomination he spent his own money, went to school, and became certified to serve as a district magistrate.

We have several vacancies in Washington County. Because these vacancies have not been filled due to the hiatus here in the Senate, justice goes unserved and is not delivered in a timely fashion, and it has been putting a burden on the other district magistrates in Washington County, as they are required to cover where those vacancies are.

And it is quite unique now that we see that in Chester County the name is now before us to confirm a Mr. John Anthony in the district of the gentleman from Chester, Senator Baker, for a position of district magistrate there. Now, I do not know Mr. Anthony. I am sure if he was selected and nominated by the Governor and supported by the Senator from that district that he is qualified and will do an outstanding job. So I am not to deny the people in Chester County and that magisterial district from having a district magistrate confirmed here by this body so that he can provide service and justice in a timely fashion to those people.

Earlier this afternoon, Senator Shumaker from Dauphin County, when we were debating the issue dealing with proposed liquor legislation, said politics has reared its ugly head

again. Every Member of this Chamber knows what has happened due to the magisterial problems in Allegheny County. We are allowing that to spill over to the other 66 counties and hold up people, people who have been on this Calendar for 25 legislative days. We have had ample opportunity to review their qualifications, their financial and their ethic statements. To me, this is a miscarriage of justice, and no wonder the taxpayers of Pennsylvania are disgusted with this type of performance and our failure to do our duty. We are being held hostage over a situation in Allegheny County that your leadership and our leadership have spent months trying to work out. In the meantime, the other 66 counties are being held hostage.

I do not oppose Mr. Anthony. I am going to vote for Mr. Anthony to be confirmed, but, likewise, I would like to have the same kind of courtesy shown to my constituents in Washington County and in my neighboring Beaver County to have their district magistrates confirmed in a timely fashion and not held hostage by a problem in one county.

Thank you, Mr. President.

Senator BAKER. Mr. President, I would like to thank the gentleman from Washington, Senator Stout, for the expression of opinion that he has just made. I am very cognizant of the problems, and I think we would all share a concern with the judiciary at whatever level in the State. I appreciate his statement of support for Mr. Anthony.

I just wanted to say that this does deal with a situation in Chester County where there is bipartisan support for Mr. Anthony. He is very well-qualified. In fact, he is finishing the district justice school at this very moment, and I think it is highly appropriate that he be confirmed at this time, and I would ask for an affirmative vote.

Senator STOUT. Mr. President, I would, likewise, like to inform Senator Baker that my D.J. Mavrigh has bipartisan support and has already successfully completed the magisterial school, passed the examination, and could be seated immediately if this body could get on with confirming him. I think it is an injustice whether it would be in your district, or, likewise, in my district, and I think there ought to be enough of the 50 Members to stand up here, at least 26 from both sides of the aisle, and say, yes, we should not be held hostage by some situation in one county to negatively have an impact on all the other 66 counties, Mr. President.

Senator O'PAKE. Mr. President, likewise, for the record, I would like to point out that the nominee, Mr. C. Douglas Loughner, of Beaver County, has bipartisan support. It seems that all these nominees have bipartisan support everywhere but in the Senate of Pennsylvania.

I want the record to be clear that the only reason the Governor has recalled the nominations of Douglas Loughner and Henry Mavrigh was because we could not get two Republican votes. There are only 24 Democrats, as we all know, and the people of Beaver County and of Washington County are suffering. It is 90 days now since these nominees have been sent to us, and still the people in those counties will be without a district justice for want of 2 Republican votes.

However, in the spirit of bipartisan cooperation, we will provide the votes for the confirmation of the district justice for Chester County, because we do not feel the people of Chester County should suffer because of the political games that are being played over executive nominations here. There will be support for Mr. Anthony, and I would ask that we run the nomination.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Corman, Senator Peterson, and Senator Jubelirer.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Corman, Senator Peterson, and Senator Jubelirer. The Chair hears no objection. The leaves will be granted.

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Afflerbach and Senator Lewis.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Afflerbach and Senator Lewis. Those leaves will be granted as well.

And the question recurring,

Will the Senate advise and consent to the nomination of John F. Anthony as District Justice of Chester County?

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

YEAS—48

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

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.

And the question recurring,

Will the Senate advise and consent to the nominations of Patricia M. Bricklin and Samuel W. Morris?

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

YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart

Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

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

The motion was agreed to.

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

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

SB 9 (Pr. No. 2395) (Amended)

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

SB 1330 (Pr. No. 2361)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey certain land in Allegheny Township, Blair County, to The Alto Reste Cemetery Association and to accept the conveyance of certain land in Allegheny Township, Blair County, from The Alto Reste Cemetery Association in exchange for the land conveyed; authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare, to convey a tract of land and an easement situate in the City of Pittsburgh, Allegheny County, Pennsylvania, to the Urban Redevelopment Authority of Pittsburgh; authorizing the release of Project 70 and Project 500 restrictions imposed on certain lands being conveyed by Patton Township, Centre County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands being conveyed to Patton Township, Centre County; authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to grant and convey to Somerset County a right-of-way situate in the Township of Ogle, Somerset County, Pennsylvania; and making a repeal.

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

HB 301 (Pr. No. 3837) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for municipal court jurisdiction over landlord-tenant cases; further providing for the establishment of fees and charges; further providing for constable fees; and making repeals.

HB 1387 (Pr. No. 1612)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of prostitution and related offenses.

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

HB 2713 (Pr. No. 3573)

An Act amending the act of July 2, 1984 (P. L. 568, No. 113), known as the "Employee-Ownership Assistance Program Act," further providing for prefeasibility assessment funding and for the extension of the final date for approvals.

SENATE RESOLUTION

HONORING THE PITTSBURGH PENGUINS

Senators HART, FISHER, JUBELIRER, BODACK, PORTERFIELD, BELAN, LaVALLE, DAWIDA, LEWIS, STOUT, SHAFFER and PECORA offered the following resolution (**Senate Resolution No. 179**), which was read as follows:

In the Senate, June 22, 1992.

A RESOLUTION

Honoring the Pittsburgh Penguins.

WHEREAS, The Pittsburgh Penguins capped off their 25th Anniversary season by repeating as the National Hockey League Stanley Cup Champions; and

WHEREAS, The team battled back from adversity, injuries and tragedy this season as the man who coached the team to its first Stanley Cup Championship, Badger Bob Johnson, was stricken with brain cancer and died suddenly; and

WHEREAS, Negotiations dragged out over the summer which eventually led to the sale of the franchise to a group headed by Howard Baldwin; and

WHEREAS, The National Hockey League endured its first player's strike which interrupted the final weeks of the season; and

WHEREAS, After the Penguins lost three of the first four games to the Washington Capitals in the first round of the playoffs, the team rallied to win three in a row to win the series; and

WHEREAS, The team's captain, Mario Lemieux, suffered a broken left hand during the Patrick Division finals against the New York Rangers but returned to lead the Penguins to 11 post-season victories in a row, tying a league record, and to win the Conn Smythe Trophy as Most Valuable Player of the playoffs for the second straight year; and

WHEREAS, Scotty Bowman, the coach with the most wins in the history of the National Hockey League, picked up where Badger Bob left off and brought home the Stanley Cup to Pittsburgh, Pennsylvania; and

WHEREAS, The Penguins once again captured the heart and enthusiasm of the City of Pittsburgh and this Commonwealth by winning their second consecutive Stanley Cup Championship; and

WHEREAS, The Pens emerged as the best hockey team in the National Hockey League and brought recognition and respect to the City of Pittsburgh and this Commonwealth; therefore be it

RESOLVED, That the Senate congratulate the Pittsburgh Penguins on their decisive four-game sweep of the Chicago Blackhawks in the Stanley Cup Championship series and wish them continued success in the years to come.

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

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 179, ADOPTED

Senator HART. Mr. President, I move that the Senate do adopt Senate Resolution No. 179.

On the question,

Will the Senate agree to the motion?

Senator HART. Mr. President, the Pittsburgh Penguins, as everyone knows, recently won their second Stanley Cup Championship, and that is two years in a row. It is an honor, I think, for the Commonwealth of Pennsylvania, and I think it is appropriate for us in the Senate of Pennsylvania to offer our congratulations.

They have continually demonstrated teamwork that we here in the General Assembly should take heed of, and I think we would do well to follow their example. The only complaint that we in Pittsburgh had regarding the series that they won was that they did not win the final game in Pittsburgh. However, we will take the four game straight win from the Chicago Blackhawks with pleasure.

Thank you, Mr. President.

Senator FISHER. Mr. President, I would just like to add my words of congratulations to the Stanley Cup champions. I might note that the Penguins went winless over 23 previous years, prior to the time that the gentlewoman from Allegheny, Senator Hart, came to the Senate of Pennsylvania, and then since she came here they have won 2 consecutive years. They were indeed the Stanley Cup champions this year. It brought a lot of enthusiasm and excitement to all of western Pennsylvania, and I join with her and I am sure with all of my other colleagues not only from western Pennsylvania but from across the State in the pride that they brought to our area and congratulate them and wish them all the best in the future and hopefully a third consecutive win next year.

Senator O'PAKE. Mr. President, from Philadelphia Flyer land, we join in the congratulations to the Penguins and wonder how well they would have done had the gentleman from Allegheny, Senator Pecora, been their goalie.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

DISCHARGE PETITIONS

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

In the Senate, June 22, 1992.

A PETITION

To place before the Senate the nomination of William A. Seles, as a District Justice for Allegheny County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of William A. Seles, Springdale, Pennsylvania, as a District Justice for Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

ROBERT J. MELLOW
J. WILLIAM LINCOLN
LEONARD J. BODACK
MICHAEL A. O'PAKE
PATRICK J. STAPLETON
JEANETTE F. REIBMAN
VINCENT J. FUMO

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

In the Senate, June 22, 1992.

A PETITION

To place before the Senate the nomination of Marc A. Fry, as a member of the Board of Trustees, Torrance State Hospital.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Marc A. Fry, Youngwood, Pennsylvania as a member of the Board of Trustees, Torrance State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

ROBERT J. MELLOW
J. WILLIAM LINCOLN
LEONARD J. BODACK
MICHAEL A. O'PAKE
PATRICK J. STAPLETON
JEANETTE F. REIBMAN
VINCENT J. FUMO

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

In the Senate, June 22, 1992.

A PETITION

To place before the Senate the nomination of Linda I. Zucco, as a District Justice for Allegheny County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Linda I. Zucco, Pittsburgh, Pennsylvania, as a District Justice for Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

ROBERT J. MELLOW
J. WILLIAM LINCOLN
LEONARD J. BODACK
MICHAEL A. O'PAKE
PATRICK J. STAPLETON
JEANETTE F. REIBMAN
VINCENT J. FUMO

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

In the Senate, June 22, 1992.

A PETITION

To place before the Senate the nomination of Charles M. LeStrange, as a member of the Board of Trustees, Clarks Summit State Hospital.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Charles M. LeStrange, Scranton, Pennsylvania, as a member of the Board of Trustees, Clarks Summit State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

ROBERT J. MELLOW
J. WILLIAM LINCOLN
LEONARD J. BODACK
MICHAEL A. O'PAKE
PATRICK J. STAPLETON
JEANETTE F. REIBMAN
VINCENT J. FUMO

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

In the Senate, June 22, 1992.

A PETITION

To place before the Senate the nomination of Stewart L. Kurtz, Esquire, as a Judge for the Court of Common Pleas, Huntingdon County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Stewart L. Kurtz, Esquire, Huntingdon, Pennsylvania, as a Judge for the Court of Common Pleas, Huntingdon County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

ROBERT J. MELLOW
J. WILLIAM LINCOLN
LEONARD J. BODACK
MICHAEL A. O'PAKE
PATRICK J. STAPLETON
JEANETTE F. REIBMAN
VINCENT J. FUMO

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

In the Senate, June 22, 1992.

A PETITION

To place before the Senate the nomination of Michael J. Wherry, Esquire, as a Judge for the Court of Common Pleas, Mercer County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Michael J. Wherry, Esquire, Greenville, Pennsylvania, as a Judge for the Court of Common Pleas, Mercer County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

ROBERT J. MELLOW
J. WILLIAM LINCOLN
LEONARD J. BODACK
MICHAEL A. O'PAKE
PATRICK J. STAPLETON
JEANETTE F. REIBMAN
VINCENT J. FUMO

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jennifer Onopa by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Weaver, Mr. and Mrs. Richard E. Cox, Mr. and Mrs. Kenneth Parmer, Mr. and Mrs. Paul G. Kutz, Mr. and Mrs. Stehman E. Herr and to Mr. and Mrs. Donald J. Kretzing by Senator Armstrong.

Congratulations of the Senate were extended to Pamela J. Adams by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Frank E. Capristo, Edward J. George and to Philip Artuso by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Clair Bardell by Senator Corman.

Congratulations of the Senate were extended to Nellie Driscoll, Mary Lois Ruffennach, Cecelia L. Patterson, Patricia C. Joyce, Cynthia Esser and to Joseph Breskin by Senator Dawida.

Congratulations of the Senate were extended to Rita McKinley by Senator Fattah.

Congratulations of the Senate were extended to Reverend Father Richard V. Paluse by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Howard J. Cain by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence J. Kelly by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Irvin Mitchell and to William J. Brennan, Jr. by Senator Helfrick.

Congratulations of the Senate were extended to Brett Butera, Jack Clemens and to Lieutenant Colonel Elizabeth J. Magners by Senator Holl.

Congratulations of the Senate were extended to the citizens of the Township of Newberry by Senator Hopper.

Congratulations of the Senate were extended to Ivan Robinson, Sarah Milgram and to Olivia C. Powell by Senator Jones.

Congratulations of the Senate were extended to Reverend William W. Reid and to Trinity Presbyterian Church of Dallas by Senator Lemmond.

Congratulations of the Senate were extended to the Flood Recovery Task Force and Leadership Wilkes-Barre by Senators Lemmond and Musto.

Congratulations of the Senate were extended to the descendents of the Gust Peterson Family by Senator Peterson.

Congratulations of the Senate were extended to Isabelle Geary by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Amos Mackey by Senator Punt.

Congratulations of the Senate were extended to Reverend Lois Lane and to Thomas Lee Wise by Senator Robbins.

Congratulations of the Senate were extended to Marjorie H. Adler by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin McCrackan, Mr. and Mrs. David Crissman, Gregory H. Ruddock and to the citizens of the Borough of Armagh by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Dane Devore, Mr. and Mrs. Delbert L. Wood, Mr. and Mrs. Robert W. Richey, Mr. and Mrs. Albert E. McGinnis, Mr. and Mrs. Raymond Paluso, Mr. and Mrs. Delbert G. Dyson and to Mr. and Mrs. Earl A. Froebe by Senator Stout.

BILLS ON FIRST CONSIDERATION

Senator BORTNER. 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 1794, HB 301, 1318, 1387, 2499 and 2713.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

June 22, 1992.

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, Suzanne Faggioli, 1700 Locust Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Cosmetology, 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, vice Randy Rick, Reading, whose term expired.

ROBERT P. CASEY.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 23, 1992

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Regulations No. L-890046/57 -108, 16A-306, 16A-310 and 16A-328)	Room 8E-B Hearing Room East Wing
9:30 A.M.	TRANSPORTATION (to consider House Bills No. 1959, 2751 and 2801)	Room 8E-A Hearing Room East Wing
10:45 A.M.	APPROPRIATIONS (to consider Senate Bill No. 1504 and House Bills No. 20 and 90)	Room 461 4th Floor North Wing

ADJOURNMENT

Senator FISHER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 23, 1992, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:15 p.m., Eastern Daylight Saving Time.