

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 30, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 16

SENATE

TUESDAY, March 30, 1993

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend WALTON R. HORN, of Kissinger Lutheran Church, Wyomissing, and the Chaplain of Berks Heim County Home, Berks County, offered the following prayer:

Let us pray.

Blessed are You, Almighty God, Creator and Sustainer of all that exists. You have created us in Your image - loving, caring, serving each other. Hear us now as we pray not only for ourselves but on behalf of all the people back home - our families, neighbors, and friends.

We pray for those whom we have elected, men and women upon whom we have placed the awesome responsibility and shining nobility of public service. Especially do we pray for President William Clinton, for Governor Robert Casey, for the officers and Members of this august legislative body, and for all who serve. Grant them knowledge and wisdom, strength and power, patience and persistence. Most of all, we pray You will give them discernment to resist undue influence and courage to do that which is right, that by their words and actions Your will may be done, that peace and tranquility may abide in our land, justice and righteousness may be manifest in all that we do, and that mercy and love may fill each of our lives.

We pray in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Horn, who is the guest this day of Senator O'Pake.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 29, 1993.

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

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

March 30, 1993

HB 907 - Committee on Environmental Resources and Energy.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess adjournment.

REPORTS FROM COMMITTEES

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

SB 315 (Pr. No. 882) (Amended)

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

SB 323 (Pr. No. 883) (Amended)

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

SB 385 (Pr. No. 408)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "terminal"; defining "maxi-cube vehicle" and "stinger-steered automobile" or "boat transporter"; and further providing for the length, width, maximum number and operation of certain vehicles.

SB 428 (Pr. No. 456)

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

SB 432 (Pr. No. 460)

An Act designating an interchange under construction on Interstate 79 in Cecil Township, Washington County, as Southpointe Interchange; and designating a portion of State Route 1032 in Cecil Township, Washington County, as Southpointe Boulevard.

SB 502 (Pr. No. 539)

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage.

SB 503 (Pr. No. 540)

An Act amending the act of March 29, 1803 (P. L. 542, No. 156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for power of commissioners to license pilots, for rules of disputes, for review of proceedings, for neglect of duties and for disabled vessels; providing for inactive status, for refresher training, for grounds for discipline, for disciplinary sanctions, for additional pilotage, for compulsory pilotage and for penalties; and making repeals.

SB 559 (Pr. No. 596)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for leaving an unattended child in a motor vehicle.

Senator SCANLON, from the Committee on Banking and Insurance, reported the following bills:

SB 515 (Pr. No. 552)

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding provisions relating to speech-language pathologists, audiologists and teachers of persons who are hearing impaired.

HB 473 (Pr. No. 524)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, making it unlawful to act as an associated person unless registered; establishing an exemption from registration for associated persons; revising certain exemptions for transactions in securities; and authorizing imposition of monetary assessments.

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

SB 4 (Pr. No. 4)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

SB 184 (Pr. No. 186)

An Act amending the act of March 4, 1870 (P. L. 343, No. 335), entitled "An act to define the limits and to organize the town of Bloomsburg," further providing for tax levies.

SB 185 (Pr. No. 187)

An Act providing for the general authorization of incorporated towns to adopt ordinances; providing for publication, fines and penalties; and making a repeal.

SB 460 (Pr. No. 488)

An Act amending the act of December 18, 1984 (P. L. 1004, No. 204), entitled "An act extending benefits to police chiefs or heads of police departments of political subdivisions of the Commonwealth who have been removed from bargaining units by the Pennsylvania Labor Relations Board," providing for fire officers.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator LOEPER.

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave on behalf of Senator Fisher. The Chair hears no objection. That leave will be granted.

Senator LINCOLN. Mr. President, I request a temporary Capitol leave on behalf of Senator Andrezeski.

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Andrezeski. There being no objection, that leave will be granted as well.

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

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

An Act dedicating a section of Interstate Highway 279 within the City of Pittsburgh to the residents whose removal permitted its construction.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Furno	Lynch	Robbins
Andrezeski	Greenleaf	Madigan	Salvatore

Armstrong	Hart	Mellow	Scanlon
Baker	Helfrick	Mowery	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Jones	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Bortner	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Corman	Lewis	Punt	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher			

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 EARL M. BAKER
PRESENTED TO SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, I rise today to introduce to you the 1992 Peirce Science Olympiad Team from the Peirce Middle School of West Chester.

Mr. President, the Peirce Science Olympiad Team has distinguished itself and brought honor to Pennsylvania by finishing in fourth place at the National Science Olympiad. Some 3,500 teams from across America began competing for top honors, with 48 teams arriving at the national finals. Not only is it a testimony to the winning spirit and academic excellence of the young men and women of the Peirce team, but their performance is a continuation of a winning tradition that now enters its fifth year of bringing home national honors.

In recognition of their accomplishment, the Peirce Science Olympiad Team was invited to the White House last year where they were congratulated by President Bush and received national media attention.

Please join me today in welcoming to our Chamber an exemplary group of young men and women who embody the very best qualities of today's youth, along with their coaches and advisors and sponsors, the 1992 Peirce Science Olympiad Team.

The PRESIDENT. Would the guests of Senator Baker please rise so we can welcome you and congratulate you on your achievement.

(Applause.)

ANNOUNCEMENT BY MAJORITY LEADER

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln, for the purpose of an announcement.

Senator LINCOLN. Mr. President, at this time, I request a recess of the Senate for the purpose of a Democratic caucus to

convene immediately upon the recess, with the expectation of being back on the floor by 2 o'clock.

ANNOUNCEMENT BY MINORITY LEADER

The PRESIDENT. Does the gentleman from Blair, Senator Jubelirer, have a similar request?

Senator JUBELIRER. Mr. President, I would request that all Members of the Republican Caucus report immediately upon the recess to the caucus room at the rear of the Senate Chamber so that we may also caucus on today's Calendar.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, would the Republican Leader stand for just very brief interrogation?

Senator JUBELIRER. Mr. President, I do not know what I did, but I will be glad to do it.

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, indicates that he will.

Senator LINCOLN. Mr. President, I just like to make the gentleman nervous.

Mr. President, I had mentioned coming back on the floor at 2 p.m. Is that feasible within the gentleman's framework?

Senator JUBELIRER. Well, Mr. President, I sincerely hope that we can do this in 2 1/2 hours.

Senator LINCOLN. Mr. President, 2 1/2 hours?

Senator JUBELIRER. Mr. President, I thought the gentleman said 4 o'clock.

Senator LINCOLN. Mr. President, 2 p.m.

Senator JUBELIRER. Mr. President, I do not hear very well. We will try.

Senator LINCOLN. Senator Loeper, would you explain it to the gentleman?

Mr. President, would 2:15 p.m. be more reasonable?

Senator JUBELIRER. Mr. President, I have to get one of those things that Senator Tilghman has.

Senator LINCOLN. Mr. President, would 2:15 be more reasonable?

Senator JUBELIRER. Mr. President, that sounds better.

Senator LINCOLN. Thank you, Mr. President.

The PRESIDENT. Before we recess to caucus, the Chair would recognize the gentleman from Mercer, Senator Robbins.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO SENATE**

Senator ROBBINS. Mr. President, I have some guests today who have come to Harrisburg to lobby us on institutional assistance grants for the independent colleges, and I certainly

hope all my colleagues pay a little attention when they go around and talk to us.

From Thiel College I have Richard Muth, who is on the executive committee for this; and we have Kristen DeCooman, a sophomore class representative; and William Pitt, who is the junior class president for Thiel College.

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

(Applause.)

RECESS

The PRESIDENT. Now, for purposes of Democratic and Republican caucuses to begin immediately, with the expectation of arriving back here by approximately 2:15 p.m., the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I request a legislative leave for the remainder of the Session for Senator Jones, and temporary Capitol leaves for Senator Fattah, Senator Fumo, and Senator Reibman.

The PRESIDENT. Senator Lincoln requests a legislative leave for Senator Jones, and temporary Capitol leaves for Senator Fattah, Senator Fumo, and Senator Reibman.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

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

There are no objections to the leave requests. All those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 181 (Pr. No. 183) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 334 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

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

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Dawida. The Chair hears no objection, and that leave will be granted as well.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 474 (Pr. No. 746) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," establishing the Governor's Office of Citizen Service (PennServe) within the Department of Labor and Industry; creating the Community Service Advisory Board; and providing for coordination of Commonwealth community service programs.

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 PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades, for his remarks on the legislation before us.

Senator RHOADES. Mr. President, would the Majority Leader stand for brief interrogation?

Senator LINCOLN. I will, Mr. President.

The PRESIDENT. He indicates that he will. The gentleman may proceed.

Senator RHOADES. Mr. President, on page 2 of the bill, under line 26, section (6), it says, "Educational activities, through a Pennsylvania education system"—which means our school system—"or a community or governmental entity, that instill an ethic of civic responsibility and citizenship in all Pennsylvanians and in particular young Pennsylvanians." Could someone explain to me, is that a value or an ethic or a moral?

The PRESIDENT. Senator Lincoln, I suppose that is directed to you.

Senator LINCOLN. Mr. President, if the gentleman has no objection, I would defer to the prime sponsor, Senator O'Pake.

The PRESIDENT. He does not seem to object. Senator O'Pake, can you field that question?

The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, this is an attempt to allow PHEAA to, in the future, develop some type of incentive for those who are getting PHEAA scholarship assistance to

provide some kind of community service in return for the State grant. It is purposely vague because we do not really know yet what the Federal government is going to come down with, and we want to make sure that Pennsylvania is able to capture those Federal dollars if and when they become available.

Senator RHOADES. Mr. President, I guess what I am interested in more so was just that "instill an ethic of civic responsibility and citizenship...." I think this refers back to the debate we had about 2 or 3 weeks ago relative to ethics and morals and standards, and so on and so forth.

I would also refer, just from the standpoint, too, on line 18, page 3, "(C) PennSERVE shall work to renew the ethic of civic responsibility in Pennsylvania...." I guess I am going to have to question, whose ethic?

And on page 4, under line 23, it says, "The plan shall include creation of a data base that will enable local governments to share information with educational institutions,...." I hope that is not going to meet with any objections of people's names and all being stored in some kind of data base, how terrible that could possibly be. I say that tongue in cheek.

The other thing is on page 6, under line 14, "(I) Educational programs that are aimed at increasing awareness in communities and educational institutions about community health programs," and

"(II) Engagement with community health clinics and professional medical personnel to ensure that all Pennsylvania children are immunized." I would bring up that when the State Board was asked to rescind that section, especially lines 14 to 16, it was done and taken out. There may be some difficulty in that particular portion.

I would add, I think that the PennSERVE concept is definitely needed and is a step in the right direction. I am just concerned from the great debate we had in this Chamber a few weeks back that this bill could get hung up because of those misinterpretations or interpretations.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I was glad to hear my distinguished colleague admit that he was speaking tongue in cheek. The ethic we are talking about is the work ethic. I think it is very obvious from the hearings that we had that our young people do want to give something back to their communities, and we have structured this bill in an attempt to make that possible so that the law, rather than impeding getting off the welfare rolls, would actually encourage people to get off the welfare rolls and work and give something back to their community.

Mr. President, are we on the merits of the bill now?

The PRESIDENT. We are on the question of final passage of Senate Bill No. 474.

Senator O'PAKE. Mr. President, I urge passage of this bill.

Mr. President, we have the historic opportunity in Pennsylvania to provide sufficient avenues for our young people to give something of themselves back to their

communities. Senate Bill No. 474 will permanently establish in State law PennSERVE, while expanding Pennsylvania's youth volunteerism initiatives. This legislation statutorily establishes the Governor's Office of Citizen Service within the State Department of Labor and Industry. It creates the Community Service Advisory Board to assist in the development of citizen service policy, and encourages a wide range of innovative community service initiatives. Among its provisions, the bill will link obligations to opportunities and rights to responsibilities for our young people by enabling college students to obtain tuition reimbursement and/or academic course credits for their community service. It also encourages community service as a key component of sentencing for nonviolent youth offenders.

Several weeks ago, the gentleman from Allegheny, Senator Belan, and I convened a joint hearing of the Committee on Labor and Industry and the Committee on Intergovernmental Affairs, and we listened to the inspiring words of many young people who summarized their triumphs over the cycle of welfare dependence. These young men and women testified about moving themselves from the welfare rolls to continued educational pursuits or active employment, as well as testifying about a renewed hope and involvement in themselves, in their community, and in a government that believed in their potential and their worth. Their testimony validates that this legislation will assist in the movement of individuals who had been caught in the web of welfare dependency, moving to independent and productive lives.

As the hearing progressed, it was apparent that all across this Commonwealth young people are meeting the needs of their communities as they offer food and friendship to the homeless, they aid older Pennsylvanians in maintaining their quality of life, they provide education and mentoring to their peers about drug and alcohol abuse and AIDS, they implement literacy training, as well as advocate for social change. We should affirm the existence of these programs by strengthening this call to service.

These youth service leaders, as well as each one of us in this Chamber, have answered a call to public service. We should guarantee that all young people in Pennsylvania have the opportunity to do the same.

The passage of Senate Bill No. 474 is consistent with the national movement to make public service a common expectation of all young people, and thus, Mr. President, I urge unanimous support for Senate Bill No. 474.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, are we on final passage or third consideration?

The PRESIDENT. At the moment, we are on final passage.

RECONSIDERATION OF BILL

Senator BRIGHTBILL. Mr. President, I move that we reconsider the vote by which Senate Bill No. 474 was agreed to on third consideration.

The PRESIDENT. Senator Brightbill moves that the vote by which Senate Bill No. 474 was agreed to on third consideration be reconsidered.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

AMENDMENT OFFERED

Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A0710:

Amend Title, page 1, line 23, by striking out and

Amend Title, page 1, line 24, by removing the period after "programs" and inserting: ; and further providing for above-ground refrigerated low-pressure storage and handling of propane.

Amend Bill, page 9, by inserting between lines 10 and 11:

Section 2. Section 2217 of the act, added December 18, 1992 (P.L. , No.180), is amended to read:

Section 2217. Above-Ground Refrigerated Low-Pressure Storage and Handling of Propane.—The Department of Labor and Industry shall make, promulgate and enforce regulations setting forth minimum general standards for the design, installation and construction of above-ground refrigerated low-pressure storage facilities for propane. Said regulations issued under the authority of this act and the act of December 27, 1951 (P.L.1793, No.475), referred to as the Liquefied Petroleum Gas Act, shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. No above-ground refrigerated low-pressure storage facilities for propane can be operated within this Commonwealth after December 31, 1994, unless regulations have been issued by the Department of Labor and Industry under this section.

Amend Sec. 2, page 9, line 11, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, last Session we dealt with this issue that the amendment deals with, which is aboveground refrigerated low-pressure storage facilities for propane. Last Session we passed a section of the Administrative Code which required the Department of Labor and Industry to adopt regulations for these kinds of facilities, and at that time I proposed as part of that package a provision that said that no such refrigerated propane storage facilities shall be operated until regulations are passed. That was defeated here in the Senate. Now I have received a letter from the Secretary of the Department of Labor and Industry, and what Secretary Foley's representative is telling me is that they

do not intend to adopt regulations, that they now intend to proceed statutorily. That is fine, except that if they do not adopt statutes and they do not adopt regulations, we are going to go another couple of years and these tanks are going to exist because of the Commonwealth doing absolutely nothing.

So, the amendment that I have proposed here is an amendment to Section 2217, which provides that no aboveground refrigerated low-pressure storage facility can be operated within this Commonwealth after December 31, 1994, unless regulations have been issued by the department. In other words, the department has until the end of this legislative Session to either adopt regulations or this legislature has until the end of this Session to pass a law regulating these things, and I think that is being fair. I think that is plenty of time, and I would ask for a unanimous vote on amendment A0710.

LEGISLATIVE LEAVE CANCELLED

Senator LINCOLN. Mr. President, I would ask that you recognize that Senator Andrezeski has returned to the floor, and his leave of absence should be cancelled.

The PRESIDENT. Senator Andrezeski is here, and his leave will be cancelled.

LEGISLATIVE LEAVE

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

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Musto. There seems to be no objection to the temporary Capitol leave. That leave will be granted.

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

The PRESIDENT. On the Brightbill amendment, the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I would ask for a "no" vote.

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

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

YEAS—24

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

NAYS—25

Afflerbach	Fumo	Mellow	Scanlon
Andrezeski	Jones	Musto	Schwartz
Belan	LaValle	O'Pake	Stapleton
Bodack	Lewis	Pecora	Stewart

Bortner	Lincoln	Porterfield	Stout
Dawida	Lynch	Reibman	Williams
Fattah			

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS OVER IN ORDER

SB 507 and SB 672 — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 719 (Pr. No. 786) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1929 (P. L. 1513, No. 451), entitled, as amended, "Boiler Regulation Law," defining "field inspection," "power boiler" and "process boiler"; and further providing for shop and field inspections.

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 PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Bodack.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, Senate Bill No. 719 amends the current Boiler Regulation Law by providing for procedures relating to both the shop and the field. It is a bill that has been worked on strenuously over the years by the Department of Labor and Industry, and I would say to the Members that there is no safety that is compromised because of this improved boiler construction, water quality testing, and computerized monitoring system.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 218 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

SB 399 (Pr. No. 422) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring public employees who are not members of a collective bargaining unit to contribute a fair share fee; establishing payment, notice, objection and reporting procedures; and imposing penalties.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 677 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 722 (Pr. No. 879) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Pennsylvania Intergovernmental Children's Literacy Commission; imposing duties on the Department of Public Welfare and the Department of Education; and providing for goals.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

SB 723 (Pr. No. 880) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring the Department of Education to establish a Summer Reading Grant Program; and making an appropriation.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

SENATE RESOLUTION NO. 25, CALLED UP

Senator LINCOLN, without objection, called up from page 3 of the Calendar **Senate Resolution No. 25**, entitled:

A Resolution memorializing the Governor to proclaim the eight days of April 18 through April 25, 1993, as "Days of Remembrance of the Victims of the Holocaust."

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 25, ADOPTED

Senator LINCOLN. Mr. President, I move that the Senate do adopt Senate Resolution No. 25.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, if the gentleman from Philadelphia, Senator Salvatore, were able to be here—he is on Capitol leave right now—I know he would join with me and others in urging the unanimous adoption of Senate Resolution No. 25. He is the sponsor of Senate Resolution No. 25, and, of course, it is a resolution memorializing the Governor to

proclaim the 8 days of April 18 through April 25 as the "Days of Remembrance of the Victims of the Holocaust."

Mr. President, this resolution appears before us each year, as well it should. The days of the Holocaust are something that all of us need to reflect upon. As we in this great country of ours, and a free country, remember those who gave their lives in World War II and before in the worst atrocity, the worst genocide ever known to mankind, I think it is appropriate to never forget.

As we look at the action of neo-Nazism that appears to be on the horizon, I think it is important that each and every one of us remember as we vote for this resolution that it can, indeed, happen again unless all of us are vigilant and fight and protect the freedoms that we are so blessed with here.

So, Mr. President, I urge each and every one of my colleagues to vote not only for Senate Resolution No. 25 but to remember the reason behind it. It is not just some vote, some innocuous resolution. It is a meaningful resolution and one that I believe is as important to a free society as anything we could be voting on.

Thank you, Mr. President.

The PRESIDENT. On the resolution, the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I would like to join with the gentleman from Blair, Senator Jubelirer, and the gentleman from Philadelphia, Senator Salvatore, in talking about something I think that many of us were fortunate enough not to have to experience, and I know in my lifetime, in my earlier and younger days, I did quite a bit of reading about the Holocaust and it is amazing how easily we can forget something like this if we do not force ourselves to remember it.

There were millions and millions of people who died in the middle 1930s and the early 1940s in Europe and in Asia. The thing that I think is important about this particular resolution is that we in this country who were not affected by this in any way, shape, or form as the people in Europe were have built two museums just recently. One of them opened in Los Angeles just a short time ago. It is called the Tolerance Museum. Fifty million dollars was spent. The tragedy of what happened then is portrayed so real in this particular museum that it is hard to believe. They take a young boy or a young girl and give you a card that shows their name on it and you go through the tour of this museum and at the conclusion of your tour they give you another card that shows you what happened to that young person, the number of young children who died in the prison camps during the Holocaust.

Very shortly, in the next 2 to 3 weeks, in Washington, D.C., there is another museum that is going to be opened as a remembrance of the Holocaust, and I think this is a very serious effort that we are making here today, that this resolution, I think, will always be something to remind us how easily this happened and how easily it could happen again and how difficult we should make it to happen just by thinking about it.

So, I am very pleased to say that Senator Salvatore has offered this, and I am supportive and I would hope that the whole Senate supports this resolution.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator AFFLERBACH, 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 AFFLERBACH. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

DISTRICT JUSTICE

February 23, 1993

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, C. Douglas Loughner, 169 Rhodes Drive, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, for appointment 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.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

February 25, 1993

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, Ruth C. Dietrich, 214 Vine Street, P. O. Box 261, Perkasio 18944-0261, Bucks County, Tenth Senatorial District, for appointment as District Justice, in and for the County of Bucks, Magisterial District 7-2-03, to serve until the first Monday of January 1994, vice J. Robert Hunsicker, resigned.

ROBERT P. CASEY
Governor

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

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

LEGISLATIVE LEAVE CANCELLED

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

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

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

YEAS—49

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

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table a certain nomination and ask for its consideration. The Clerk read the nomination as follows:

DISTRICT JUSTICE

February 16, 1993

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, Margery E. Golant, Esquire, R. R. #2, Box 184B, Athens 18810, Bradford County, Twenty-third Senatorial District, for appointment as District Justice, in and for the County of Bradford, Magisterial District 42-3-02, to serve until the first Monday of January 1994, vice Fordham F. Wood, Jr., mandatory retirement.

ROBERT P. CASEY
Governor

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

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

YEAS—25

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

NAYS—24

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

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I also ask for a temporary Capitol leave on behalf of Senator Armstrong, as well as Senator Robbins.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Robbins. The Chair hears no objection to their Capitol leaves. They will be granted.

NOMINATIONS TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table certain nominations and ask for their consideration. The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

February 23, 1993

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, Eugene P. Nelson (District 5), HC 64, Box 372A, Trout Run 17771, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a

term of eight years, vice Mary Jane Kuziak, Danville, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

February 23, 1993

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 J. Gilford (District 1), P. O. Box 69, Lickingville 16332, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until October 23, 1997, vice Roger J. Wolz, Meadville, deceased.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

February 23, 1993

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, Vernon K. Shaffer (District 8), 3711 Stoudts Ferry Bridge Road, Reading 19605, Berks County, Eleventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years, vice Clair W. Clemens, whose term expired.

ROBERT P. CASEY
Governor

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

QUESTION DIVIDED

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, I request that the question be divided and each individual be voted separately.

The PRESIDENT. The Chair thanks the gentleman.

Senator AFFLERBACH. Mr. President, under the circumstances, I would request that the nomination of Eugene P. Nelson be considered first.

The PRESIDENT. The Chair thanks the gentleman for his clarification and assistance.

On the question,
Will the Senate advise and consent to the nomination of Eugene P. Nelson?

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

YEAS—29

Afflerbach	Fattah	Madigan	Reibman
Andrezeski	Fumo	Mellow	Scanlon
Belan	Jones	Musto	Schwartz
Bodack	LaValle	O'Pake	Stapleton
Bortner	Lewis	Pecora	Stewart
Brightbill	Lincoln	Porterfield	Stout
Corman	Lynch	Punt	Williams
Dawida			

NAYS—20

Armstrong	Hart	Loeper	Salvatore
Baker	Helfrick	Mowery	Shaffer
Bell	Holl	Peterson	Shumaker
Fisher	Jubelirer	Rhodes	Tilghman
Greenleaf	Lemmond	Robbins	Wenger

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

**RECONSIDERATION OF
EXECUTIVE NOMINATION**

NOMINATION LAID ON THE TABLE

Senator AFFLERBACH. Mr. President, I move that the vote by which the nomination of Eugene P. Nelson was defeated be reconsidered, and that the nomination be laid upon the table.

The PRESIDENT. Senator Afflerbach moves that the vote by which the nomination of Eugene P. Nelson failed confirmation be reconsidered, and that the nomination lay upon the table.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.
The PRESIDENT. The nomination will lay upon the table.

NOMINATIONS LAID ON THE TABLE

Senator AFFLERBACH. Mr. President, I now move that the nominations of Robert J. Gilford and Vernon K. Shaffer also be laid upon the table.

The PRESIDENT. Senator Afflerbach moves that the nominations of Robert Gilford and Vernon Shaffer both be laid upon the table as well.

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

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I oppose the motion to lay the remaining two nominees to the Game Commission on the table. We believe that even though Mr. Nelson—
Senator LINCOLN. Mr. President.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, this is not a debatable item.

The PRESIDENT. What was the gentleman's point?

Senator LINCOLN. A point of order.

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. Mr. President, I would ask that you limit the debate strictly to the rules.

The PRESIDENT. Actually, this is not a debatable motion, so there is no debate on the motion at all. The gentleman is correct. The Senator from Blair County has indicated his opposition to the motion, and we have to let it go at that.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

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

NAYS—24

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

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

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

March 23, 1993

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, The Honorable Chaka Fattah, 2639 Lenape Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1994 and until his successor is appointed and qualified, vice Samuel A. Breene, Esquire, Oil City, deceased.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

December 8, 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 M. Walsh, 1739 North Washington Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1995 and until his successor is appointed and qualified, vice William Schreyer, resigned.

ROBERT P. CASEY
Governor

On the question,

Will the Senate advise and consent to the nominations?

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator WENGER.

Senator WENGER. Mr. President, I note that we have three trustees for Penn State University under consideration and request that we vote all three at one time.

The PRESIDENT. As a point of parliamentary procedure, we do have an issue before us - namely, the two. If the gentleman seeks to bring the other name up, he may do so after consideration of this question.

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

March 23, 1993

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 M. Nardozzo, D.M.D., 150 Brandywine Drive, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1993 and until his successor is appointed and qualified, vice The Honorable Edward P. Zemprelli, Clairton, whose term expired.

ROBERT P. CASEY
Governor

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

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

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—16

Armstrong	Corman	Mowery	Shaffer
Baker	Fisher	Peterson	Shumaker
Bell	Jubelirer	Punt	Tilghman
Brightbill	Lemmond	Robbins	Wenger

NAYS—33

Afflerbach	Hart	Lynch	Rhoades
Andrezeski	Helfrick	Madigan	Salvatore
Belan	Holl	Mellow	Scanlon
Bodack	Jones	Musto	Schwartz
Bortner	LaValle	O'Pake	Stapleton
Dawida	Lewis	Pecora	Stewart
Fattah	Lincoln	Porterfield	Stout
Fumo	Loeper	Reibman	Williams
Greenleaf			

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

**UNFINISHED BUSINESS
SENATE RESOLUTION**

The PRESIDENT. The Chair is delighted to recognize the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I offer the following resolution and ask for unanimous consent for its immediate consideration.

The PRESIDENT. Senator Schwartz asks unanimous consent for the immediate consideration of a resolution. The Chair hears no objection, and the clerk will read the resolution.

Senator SCHWARTZ. I would also ask, Mr. President, that you leave it open, or the Secretary leave it open at the front desk for additional cosponsors.

Thank you.

**DESIGNATING THE MONTH OF APRIL, 1993,
AS "SEXUAL ASSAULT AWARENESS MONTH"**

Senators SCHWARTZ, JONES, BORTNER, FATTAH, DAWIDA, STEWART, ANDREZESKI, LEWIS, REIBMAN, LaVALLE, STAPLETON, PETERSON, CORMAN, SHUMAKER, GREENLEAF, BAKER, RHOADES, FISHER, HART, LEMMOND, HELFRICK, JUBELIRER and LINCOLN offered the following resolution (**Senate Resolution No. 38**), which was read, considered and adopted:

In the Senate, March 30, 1993

A RESOLUTION

Designating the month of April, 1993, as "Sexual Assault Awareness Month."

WHEREAS, Sexual assault affects every person in this Commonwealth either as a victim/survivor of sexual assault or as a family member, friend, neighbor or coworker; and

WHEREAS, Incidents of sexual assault continue to increase and impact all racial, ethnic, economic, geographic and social groups, regardless of age or gender; and

WHEREAS, National, State and local statistics indicate an ever increasing demand for sexual assault services, education and community support; and

WHEREAS, Pennsylvania's sexual assault programs served 33,800 persons last year and over 8,000 of those were sexually abused children; and

WHEREAS, Statistics fail to completely represent the numbers of people sexually assaulted since fear of skepticism, ridicule and stigma continues to deter victims from reporting the violation to authorities and seeking help; and

WHEREAS, Pennsylvania's sexual assault programs' staffs and volunteers are working towards a society free of sexual violence by promoting prevention and providing numerous educational programs to schools, community organizations and other professionals; and

WHEREAS, Sexual assault programs require commitment of community leaders and concerned citizens to continue providing quality services which aid unfortunate victims and survivors of sexual assault; therefore be it

RESOLVED, That the Senate designate the month of April, 1993, as "Sexual Assault Awareness Month" and encourage its members to participate in the awareness activities that will take place in their communities; and be it further

RESOLVED, That the Senate recognize the need to promote awareness, education and prevention of sexual violence in this Commonwealth and to support the diligent efforts of sexual assault centers to eliminate this violent crime.

BILLS IN PLACE

Senator STAPLETON presented to the Chair several bills.

REPORTS FROM COMMITTEE

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

SB 176 (Pr. No. 930) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, creating the Pennsylvania Code of Evidence.

SB 307 (Pr. No. 931) (Amended)

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

SB 710 (Pr. No. 763)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for arrests for violation of protection orders.

HB 185 (Pr. No. 1177) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing an additional category of criminal homicide known as homicide by abuse; further providing for grading of criminal attempt, solicitation and conspiracy and for aggravated assault; defining the offense of concealment of child from law enforcement authorities; providing for the crime of auto piracy; further providing for the determination of antique slot machines, for purchase, consumption, possession or transportation of alcohol by certain persons and for possession of false identification to obtain alcohol; providing penalties for trafficking drugs to minors; and further providing for sentences for offenses committed with firearms.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to W.K. Bray Lodge No. 410 of Hatboro and to the Sandy Run Middle

School MATHCOUNTS Team of Dresher by Senator Greenleaf.

Congratulations of the Senate were extended to Peter J. Wesloskie by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Donald McQuade, Mr. and Mrs. William H. Ford and to Loy W. Appleman by Senator Jubelirer.

Congratulations of the Senate were extended to the New Castle Junior Varsity Cheerleading Squad and to the Ben Franklin Eighth Grade Cheerleading Squad by Senator LaValle.

Congratulations of the Senate were extended to Dr. Angelo Armenti, Jr. by Senator Lincoln.

Congratulations of the Senate were extended to Ian Fintak and to Nicholas Chacona by Senator Madigan.

Congratulations of the Senate were extended to Dallas High School by Senator Mellow.

Congratulations of the Senate were extended to The Boyertown Times and to community service volunteers of Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. George Hershberger, Susan Dumbauld, Brendon Guise, Renee Steigman, Sam Troutman, Tana Leidich, Katie Herb, Brad Shepley and to Scott Wilson by Senator Shumaker.

Congratulations of the Senate were extended to John Kaskan by Senator Stapleton.

Congratulations of the Senate were extended to the Greater Johnstown High School Varsity Cheerleaders, Bishop McCort High School Varsity Cheerleaders, Richland Middle School Cheerleaders, Penn Cambria Senior High School Varsity Cheerleaders and to the Winber Area High School Varsity Cheerleaders by Senator Stewart.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Malissa Fernandez by Senator Fumo.

BILLS ON FIRST CONSIDERATION

Senator BORTNER. Mr. President, I move that 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 4, 176, 184, 185, 307, 315, 323, 385, 428, 432, 460, 502, 503, 515, 559, 710, HB 185 and 473.

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

COMMUNICATIONS 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
VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

March 30, 1993

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, Edwin K. Galbreath, Jr., Box 146, R. D. #3, Kingswood Road, New Castle 16105, Lawrence County, Forty-seventh Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY
Governor

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

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

MEMBER OF THE HEALTH POLICY BOARD

March 30, 1993

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

Please note the nomination dated March 18, 1993 for the appointment of Paul Krissel, 1284 High Street, Boiling Springs 17007, Cumberland County, Thirty-first Senatorial District, as a member of the Health Policy Board, to serve for a term of one year and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992, should be corrected to read:

Paul Krissel, 1284 High Street, Boiling Springs 17007, Cumberland County, Thirty-third Senatorial District, as a member of the Health Policy Board, to serve for a term of one year and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS****WEDNESDAY, MARCH 31, 1993**

9:30 A.M.	AGING AND YOUTH (to consider Senate Bills No. 508 and 515)	Room 461 4th Floor North Wing
12:30 P.M.	EDUCATION (to consider Senate Bills No. 375, 376, 625, 724 and 801, and any other business which may come before the Committee)	Room 461 4th Floor North Wing

THURSDAY, APRIL 1, 1993

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing-to consider Senate Bill No. 351)	Room 8E-B Hearing Rm. East Wing
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FRIDAY, APRIL 2, 1993

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing-to consider Senate Bill No. 351)	Hazleton City Hall Hazleton, PA
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WEDNESDAY, APRIL 7, 1993

9:30 A.M.	JUDICIARY (Public Hearing-on Judicial Reform Proposals)	City Council Chambers Phila., PA
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TUESDAY, APRIL 13, 1993

9:30 A.M.	JUDICIARY (Public Hearing-on Judicial Reform Proposals)	Allegheny City. Cthse- Gold Room Pgh., PA
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THURSDAY, APRIL 22, 1993

9:30 A.M.	JUDICIARY (Public Hearing-on Judicial Reform Proposals)	Luzerne City Courthouse Wilkes-Barre PA
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MONDAY, MAY 17, 1993

9:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider minorities and managed care)	Temple Univ. 13th & Cecil B. Moore Ave Phila., PA
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ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Wednesday, March 31, 1993, at 10 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:12 p.m., Eastern Standard Time.