

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, OCTOBER 24, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 58

SENATE

TUESDAY, October 24, 1995

The Senate met at 5:12 p.m., Eastern Daylight Saving Time.

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

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 23, 1995.

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.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The following leaves granted in today's Special Session will also be granted in the Regular Session:

Temporary Capitol leaves for Senator Williams, Senator Dawida, Senator Fumo, and Senator Helfrick, and a personal leave for Senator Armstrong.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS 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 COUNCIL OF TRUSTEES
OF CHEYNEY UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

October 24, 1995

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, Charles M. Greene, 7024 Marion Lane, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of

Higher Education, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Robert W. Bogle, Yeadon, resigned.

THOMAS J. RIDGE
Governor

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

October 24, 1995

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 W. Abell, 10 Cherry Street, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Robert M. Jones, Sr., Blossburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE UNEMPLOYMENT
COMPENSATION BOARD OF REVIEW

October 24, 1995

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, Peter Kramer, 686 St. Johns Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2001 and until his successor is appointed and qualified, vice Thomas Lee Simon, Perryopolis, whose term expired.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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 laid on the table:

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

October 24, 1995

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 1, 1995 for the appointment of Madelyn P. Nix, 19 Conestoga Road, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Paul G. Wedel, Leola, confirmed to another position.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF PARDONS

October 24, 1995

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 2, 1995 for the appointment of Richard P. Gigliotti, 130 West McQuiston Road, Butler 16001, Butler County, Twenty-first Senatorial District, as a member of the Board of Pardons, to serve until November 30, 1999, and until his successor is appointed and qualified, vice Thomas G. Frame, West Chester, whose term expired.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 858**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION

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

Weekly adjournment.

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:

October 23, 1995

Senators PETERSON, SALVATORE, HELFRICK, WENGER, STOUT, HECKLER and MADIGAN presented to the Chair **SB 1273**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for operation in safe manner, providing for homicide by snowmobile or all-terrain vehicle; and providing a penalty.

Which was committed to the Committee on TRANSPORTATION, October 23, 1995.

Senator BELL presented to the Chair **SB 1274**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for county commissioners to make contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, October 23, 1995.

Senator BELL presented to the Chair **SB 1275**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for contract procedures.

Which was committed to the Committee on LOCAL GOVERNMENT, October 23, 1995.

Senators FISHER, WAGNER, SHAFFER, LAVALLE, STOUT, PORTERFIELD and KASUNIC presented to the Chair **SB 1276**, entitled:

An Act amending the act of June 30, 1995 (P. L. , No. 5A), entitled "General Appropriation Act of 1995," further providing for the Pennsylvania Historical and Museum Commission.

Which was committed to the Committee on APPROPRIATIONS, October 23, 1995.

Senators HART, BRIGHTBILL, BELL, PETERSON and FISHER presented to the Chair **SB 1277**, entitled:

An Act amending the act of June 21, 1957 (P. L. 390, No. 212), entitled "Right-to-Know Law," providing for an award of reasonable attorney fees and costs in certain cases.

Which was committed to the Committee on STATE GOVERNMENT, October 23, 1995.

Senators HART, GERLACH, ULIANA, STEWART and ANDREZESKI presented to the Chair **SB 1278**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of the initiative and referendum as powers reserved to the people.

Which was committed to the Committee on STATE GOVERNMENT, October 23, 1995.

October 24, 1995

Senators HART, FISHER, HECKLER, HELFRICK, BRIGHTBILL, BELL and PETERSON presented to the Chair **SB 1279**, entitled:

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," providing for additional public notice requirements for certain school board meetings.

Which was committed to the Committee on STATE GOVERNMENT, October 24, 1995.

Senators TILGHMAN, AFFLERBACH, TOMLINSON, STOUT, WAGNER, PUNT, STEWART, HECKLER, SCHWARTZ and HART presented to the Chair **SB 1280**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," allowing distributors of malt or brewed beverages to sell on credit.

Which was committed to the Committee on LAW AND JUSTICE, October 24, 1995.

Senators TILGHMAN, SALVATORE, HECKLER, LEMMOND, BELL, KASUNIC and MUSTO presented to the Chair **SB 1281**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 24, 1995.

Senators TILGHMAN, SALVATORE, HECKLER, LEMMOND, BELL, KASUNIC and MUSTO presented to the Chair **SB 1282**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 24, 1995.

Senators TILGHMAN, SALVATORE, WENGER, HECKLER, LEMMOND, STAPLETON, SCHWARTZ, BRIGHTBILL, RHOADES, AFFLERBACH, HELFRICK and MUSTO presented to the Chair **SB 1283**, entitled:

An Act establishing Statewide standards for the use of water-conserving plumbing fixtures; imposing duties on the Department of Environmental Resources; creating the Water Conservation Fund; and providing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 24, 1995.

APPOINTMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair wishes to announce that the following appointment has been made by the President pro tempore:

Mr. Lewis F. Gould, Jr., as a Commonwealth Trustee of Temple University.

BILLS SIGNED

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

SB 858 and **HB 267**.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committees to meet during today's Session: the Committee on Labor and Industry to consider House Bill No. 2078, and the Committee on Rules and Executive Nominations to consider Senate Bill No. 946, House Resolution No. 235, and certain nominations.

SENATE RESOLUTION

COMMEMORATING THE 40TH ANNIVERSARY OF THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

Senators BELL, JUBELIRER, WILLIAMS, JONES and SCHWARTZ offered the following resolution (**Senate Resolution No. 76**), which was read as follows:

In the Senate, October 24, 1995

A RESOLUTION

Commemorating the 40th Anniversary of the Pennsylvania Human Relations Commission.

WHEREAS, The Pennsylvania Human Relations Commission, originally the Pennsylvania Fair Employment Practice Commission, was created 40 years ago on October 27, 1955, when Governor George M. Leader signed into law Act No. 222; and

WHEREAS, The policy of this Commonwealth has been and will continue to be to eliminate discrimination against individuals or groups by reason of their race, color, religious creed, ancestry, handicap or disability, use of guide dogs because of blindness or deafness of the user, age, sex or national origin; and

WHEREAS, The Pennsylvania Human Relations Commission, as the Commonwealth agency statutorily assigned the task of eliminating discrimination in employment, housing, places of public accommodation and education, has done an exemplary job during its first 40 years in carrying out this policy; therefore be it

RESOLVED, That the Senate commemorate the 40th Anniversary of the Pennsylvania Human Relations Commission and congratulate the commission on a job well done; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Pennsylvania Human Relations Commission.

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

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, with the concurrence of the Minority, I have a resolution which commends the Human Relations Commission upon completion of a number of years, and it is open for additional sponsors.

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

Senator LOEPER. Mr. President, the gentleman from Delaware, Senator Bell, has asked that his resolution be available for cosponsorship.

The PRESIDENT pro tempore. The resolution will be available at the desk for additional cosponsors.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

RECESS

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

Senator LOEPER. Mr. President, once again I ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested a meeting of the Committee on Rules and Executive Nominations in the Rules room at the rear of the Chamber. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 282 (Pr. No. 1496) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "police officer"; further providing for buying or exchanging Federal food order coupons, stamps, authorization cards or access devices and for fraudulent traffic in food orders; prohibiting the operation of certain establishments; and providing for local option.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 282?

Senator LOEPER. Mr. President, I move that the Senate nonconcur in the amendments made by the House to Senate Bill No. 282, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I rise to make a brief comment in regard to the motion to nonconcur. Basically, I concur with the amendments that have been made by the House of Representatives to Senate Bill No. 282, three amendments, to my understanding. Of those three amendments, a

couple of them were very important, one of which pertains to and provides provisions for bottle clubs within municipalities. And when I say bottle clubs, I mean bring your own bottle clubs, places where liquor can be served where there is not a liquor license. There is a problem that has arisen throughout the Commonwealth and in my senatorial district that I believe one of these amendments begins to address, and I simply rise in support of that amendment. I do not know if the conference committee is intending to remove that amendment from this bill because it is, as I have heard, not germane to the bill, but I am hopeful and optimistic that the conference committee will consider keeping that amendment in the bill.

Basically and briefly, I simply want to say that clubs have arisen throughout the Commonwealth of Pennsylvania where alcohol is given away, not sold, is given away, and that has caused a problem in certain communities. It has caused the public to oppose some of these locations due to pornography, due to drug activity, due to various types of problems surrounding the establishments, and the amendment in this bill begins to address that problem. If, in fact, this amendment does not stay in the bill, I would simply hope that we find a vehicle or a way in some other piece of legislation, whether it is through the Crimes Code or through the Liquor Code, to begin to address this problem in the future.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

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

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 31 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 284 (Pr. No. 1450) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing an exclusion from taxation of either a portion of the assessed value of homestead property or a portion of the assessed value of all real property.

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 pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I rise in support of Senate Bill No. 284, and I would like to urge my colleagues to

support it as well. This is probably the first vital step and it is an absolutely necessary step in a tedious process of finally achieving property tax relief for our people. This is, Mr. President, putting the horse before the cart, instead of the other way around. It is also important that our citizens understand the mechanics of what we are doing here and why a constitutional amendment to permit a homestead or a universal exemption must come first. This bill was introduced by the gentleman from Blair, Senator Jubelirer, in January as Senate Bill No. 284, and that bill is just nearly identical to the bill which I introduced, Senate Bill No. 352, in January as well. And except for a few added restrictions contained in Senator Jubelirer's measure, my bill and his bill are exactly alike, but pride of authorship, Mr. President, is not what is involved here. It is not important. What is important is that finally we are moving forward and hopefully this time on the same track.

Last Session the local tax reform train was derailed. It was derailed for good reason, and unless we are now prepared to accept the longstanding challenge of the gentleman from Westmoreland, Senator Porterfield, to totally eliminate local school property taxes with a fully State-supported system of finance for education, any meaningful property tax relief for our people requires and must be conditioned upon this constitutional change.

Now, last Session House Bill No. 2202 was defeated on a bipartisan vote, largely because it was not tied to the necessary alteration of our Constitution's uniformity clause. And as I said, it is important for our citizens to understand the necessity of what this constitutional change is all about. Very simply, without it and without a constitutional amendment to permit homeowners to be taxed differently than commercial establishments, the only available option for property tax relief under comprehensive reform would be through an across-the-board millage reduction. Now, while that may sound fair, Mr. President, such an across-the-board millage reduction is anything but fair. It is unfair because ordinary citizens and wage earners, those who would be asked under comprehensive reform to pay higher income and other taxes to replace lost revenue from the reduction in property taxes, would end up picking up the tab for a gigantic backdoor windfall tax break for the owners of large commercial establishments and those of palatial estates. The change in the Constitution, in order to permit our local jurisdictions the choice between a homestead or a universal extension, is the safeguard to prevent an estimated \$1.7 billion shift of the commercial property tax burden onto the backs of working men and women and their families.

And while I stand here today to tell you that I am certainly not opposed to economic development or responsible, above-board, and accountable business tax relief to create jobs, I am opposed to an unjustified and unwarranted big business tax break that shifts the burden of taxation on the very people, the homeowners and the senior citizens, whom we are really trying to help. This constitutional change is a must, Mr. President. It is something that many of us have long recognized as a vital ingredient to meaningful local tax reform. Now, while our people want relief from local property taxes now, it is important for us to stand up and be honest and do what is right. If

we enact local tax reform without the precondition of final approval of this, or a similar constitutional change, local tax reform will be a cruel hoax that could actually increase the average homeowner's tax bill to pay for a big business tax break. I do not think that is what we intend, Mr. President. I do not think that is what our citizens expect or deserve. We could achieve meaningful tax reform, but this constitutional amendment is certainly the critical first step.

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—47

Afflerbach	Greenleaf	Madigan	Shaffer
Andrezeski	Hart	Mellow	Stapleton
Belan	Heckler	Mowery	Stewart
Bell	Helfrick	Musto	Stout
Bodack	Holl	O'Pake	Tartaglione
Brightbill	Hughes	Peterson	Tilghman
Corman	Jones	Porterfield	Tomlinson
Dawida	Jubelirer	Punt	Uliana
Delp	Kasunic	Rhoades	Wagner
Fisher	LaValle	Robbins	Wenger
Fumo	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	

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 564 and HB 569 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 698 (Pr. No. 1205) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational aid for certain members of the Pennsylvania National Guard; and conferring powers and duties on the Adjutant General, the Department of Military Affairs and the Pennsylvania Higher Education Assistance Agency.

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 pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I rise in support of Senate Bill No. 698, which will create an educational assistance

program for the Pennsylvania National Guard. The Pennsylvania National Guard, Army and Air Force, is the second largest State Guard Force in the United States. About 23,000 Pennsylvanians serve in the National Guard. The Guard is based in nearly 100 Pennsylvania cities and communities across our Commonwealth. The Pennsylvania National Guard has an annual Federal operating budget of about \$285 million. Each soldier on the roster is worth more than \$10,000 per year in Federal dollars paid to Pennsylvania. The National Guard needs our help to meet its strength and readiness goals. Each year the Guard must attract about 3,000 recruits. Eight years ago the Guard attracted three non-prior service recruits for each one recruit who was coming off of active duty. In 1994, we attracted only one non-prior service recruit for each prior service recruit. In 1995, the Guard only recruited 506 non-prior service individuals from Pennsylvania.

In today's environment, with the Federal government downsizing the military, the Pennsylvania National Guard needs to remain strong. When the Federal government is looking for units to cut, it looks to those that are understrength or that fail to meet quality force goals. Other States have lost large units with thousands of soldiers and million of dollars in Federal payroll. Pennsylvania has already suffered enough from the downsizing of the United States Armed Forces. We have lost thousands of jobs through the BRAC process. We must stand up now to make sure our Guard is not the next target for Federal cuts.

Pennsylvania ranks 28th among the States in the amount of educational assistance it provides its Guard members. Education programs work. They are the most effective incentive to attract into the Guard high school seniors with the ability and the motivation to pursue a higher education. Senate Bill No. 698 will create a program of public service grants for Guard recruits and members who pursue a higher education as full-time or part-time students. For full-time students, the maximum grant would be two-thirds of the tuition of the State System of Higher Education, or about \$2,000 per academic year. For part-time students, the maximum grant would equal one-third of the State system tuition, or about \$1,000 per year.

In return for a full-time student grant, a Guard member or recruit would have to agree to a 6-year service commitment to the Pennsylvania National Guard. All grant recipients would have to be satisfactory participants in Guard duties and meet standards established by the Adjutant General. Grant recipients would be required to sign a promissory note to repay their grants in the event they fail to meet their service obligation.

One of the beauties of this program is that it will add very little cost of administration. The Department of Military Affairs will provide certificates of eligibility to eligible Guard members, and the Pennsylvania Higher Education Assistance Agency, PHEAA, will administer the program and award the grants. PHEAA already awards more than \$200 million in grants each year. This program will cost very little additional work.

What will all this cost? We estimate the first-year cost will be about \$2 million, and these costs will increase to about \$8 million in the fifth year, assuming that they get the recruiting

levels up to meet the maximum people available, and it will remain relatively constant thereafter. In return for this modest investment, the Guard will attract more than 1,000 new recruits each year and will retain other Guard members who would leave service were it not for these educational benefits.

The young men and women of the Pennsylvania Army and Air National Guard play a dual role. They are a part of our national defense system, at the call of the President. They answered the call and served in the desert during the Persian Gulf War. Also, during the spring of 1985 they were at the Governor's call when the tornadoes went through northwestern Pennsylvania, and during the winter of 1994 they again answered the Governor's call and served in cold and snow to move salt and deal with the winter emergencies. The Pennsylvania National Guard is our home team. We cannot afford to lose another chunk of this team. We need a program to help the Guard attract highly motivated young men and women with the desire and ability to pursue a higher education. Senate Bill No. 698 will establish such a program, establish such an incentive program. We need this bill and we need it now. I urge all Members to support this legislation.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Stewart.

Senator STEWART. Mr. President, I, too, rise in support of Senate Bill No. 698, a measure to establish an educational assistance program for the National Guard, and I congratulate the gentleman from Mercer, Senator Robbins, on this much needed initiative.

Mr. President, America has had a long tradition of rewarding our soldiers and sailors and airmen and military personnel as the defenders of all the freedoms we enjoy. Those rewards have taken many forms in the past such as land grants, cash bonuses, and others, but it was not until World War II that America discovered a way to reward not only its military personnel but to reward the nation itself as a whole, and that was the GI bill, an educational program that opened up college campuses to millions of Americans who probably never would have gone to college and really changed the course of higher education as well as the course of our society.

The first GI bill fueled the economy and provided many business managers, teachers, professionals, and others for generations to come. The wars in Korea and Vietnam saw that trend continue as more and more Americans took advantage of the educational reward for their service to better themselves, to better their families, and to better their communities as a whole.

Throughout history we have always agreed that military service deserves some form of reward. Now we have seen that educational opportunities are the best possible reward, because they not only help the individual, but as I said, they help the community as a whole. And for this reason I urge my colleagues to support this measure, Pennsylvania's own version of the GI bill for members of our National Guard. The full effect of such a program is the overall benefit to our Commonwealth and our communities. The men and women who volunteer and serve in the National Guard and various other

service programs aimed at helping our country and our communities are the finest examples of the caring society.

But as I stand here today supporting this bill, I regret to note that at the very same time we here in the Pennsylvania Senate are taking this step to promote and develop young Pennsylvanians, our counterparts at the Federal level are taking steps in just the opposite direction. It is unfortunate to see that the Republican budget has eliminated the AmeriCorps National Service Program, another volunteer organization allowing young people to help in our communities and in our State. This attempt to eliminate AmeriCorps, a National Service Program, would also deny over 2,000 young men and women in Pennsylvania the opportunity to serve their communities. It is ironic that it was a former staff member of this Senate who went on to Congress who made disparaging remarks about that program for people who volunteered to come forth to serve their communities, their State, and their country. It is one thing to never volunteer yourself, whether it be the military, the Peace Corps, AmeriCorps, the National Guard, or many other organizations that keep this nation together, but to criticize those who do is another thing altogether. I wish our Republican counterparts in Washington had as much sense as the Republicans here in this Senate and would support the AmeriCorps National Service Program and its obvious benefit to this Commonwealth and its communities. And for that reason, just as I asked for support for Senate Bill No. 698, I ask for support from Washington for the AmeriCorps program.

Once again, I congratulate Senator Robbins on this initiative. I think it is going to go a long way toward recruiting and retaining young men and women in our National Guard.

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—47

Afflerbach	Greenleaf	Madigan	Shaffer
Andrezeski	Hart	Mellow	Stapleton
Belan	Heckler	Mowery	Stewart
Bell	Helfrick	Musto	Stout
Bodack	Holl	O'Pake	Tartaglione
Brightbill	Hughes	Peterson	Tilghman
Corman	Jones	Porterfield	Tomlinson
Dawida	Jubelirer	Punt	Uliana
Delp	Kasunic	Rhoades	Wagner
Fisher	LaValle	Robbins	Wenger
Fumo	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	

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

HB 702 (Pr. No. 2442) — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, adding, revising and deleting provisions relating to townships of the second class.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A5442:

Amend Sec. 1 (Sec. 917), page 98, line 6, by striking out "auditor" and inserting: accountant

Amend Sec. 1 (Sec. 1701), page 184, line 28, by inserting after "Buildings.—": (a)

Amend Sec. 1 (Sec. 1701), page 185, by inserting between lines 5 and 6:

(b) Subject to the restrictions contained in section 3402, townships in counties of the second class A may enter upon and appropriate historic land and structures which are privately owned, provided the sole purpose of the taking is the preservation and maintenance of the property for its historic value and the Pennsylvania Historical and Museum Commission or the county historical society has certified both the historic value of the property and that it is not being maintained in an appropriate manner.

Amend Sec. 1 (Sec. 2207), page 202, line 26, by inserting after "any": township

Amend Sec. 1 (Sec. 2207), page 202, line 26, by striking out "or products therefrom"

Amend Sec. 1 (Sec. 2207), page 202, line 28, by inserting after "action." No ordinance shall be effective until it has been approved by a majority vote of the electorate at the next ensuing municipal or general election. Nothing in this subsection shall prohibit the board of supervisors, at its discretion, by resolution, from allowing the selective harvesting of forest products for the purpose of properly caring for and maintaining a township forest.

Amend Sec. 1 (Sec. 2904), page 354, line 30, by striking out "including" and inserting: excluding

Amend Sec. 1 (Sec. 3402), page 386, line 27, by inserting after "Property.—": (a)

Amend Sec. 1 (Sec. 3402), page 386, line 29, by inserting after "shall": except as provided in subsection (b).

Amend Sec. 1 (Sec. 3402), page 387, by inserting between lines 11 and 12:

(b) The restriction on eminent domain provided in subsection (a) shall not apply:

(1) if a township in a county of the second class A obtains a statement from the Pennsylvania Historical and Museum Commission or the historical society of the county where the land is situate certifying that the building or other structure, the existence of which would otherwise restrict the township from exercising the right of eminent domain, is not being maintained in a manner appropriate to an historical structure; and

(2) if the purpose of the acquisition of the land and structures by a township in a county of the second class A is to ensure the preservation and maintenance of the historical site and structure sought to be protected by subsection (a).

Amend Bill, page 395, by inserting between lines 2 and 3:

Section 2. The addition of sections 1701(b) and 3402 shall be retroactive to November 1, 1994.

Amend Sec. 2, page 395, line 3, by striking out "2" and inserting:

Amend Sec. 2, page 395, line 5, by striking out "SECTION 606" and inserting: sections 606, 1701 and 3402

Amend Sec. 2, page 395, by inserting between lines 6 and 7:

(2) Sections 2 and 3 of this act shall take effect immediately.

Amend Sec. 2, page 395, line 7, 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 LOEPER.

BILL OVER IN ORDER

SB 944 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1243 (Pr. No. 1460) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for additional investment authority for subsidiaries.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of himself and Senator HOLL, offered the following amendment No. A5509:

Amend Title, page 1, line 11, by inserting after "laws,"": further providing for investment; and

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting:

Section 1. Section 404.2(10) of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, amended December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 404.2. Investment—Subject to the provisions of sections 405.2 and 406.1, the assets of any life insurance company organized under the laws of this Commonwealth shall be invested in the following classes of investment, provided the value of which, as determined for annual statement purposes, but in no event in excess of cost, shall not exceed the specified percentage of such company's assets as of the thirty-first day of December next preceding the date of investment:

* * *

(10) Equity interests:

(i) Investments (other than investments provided for in section 406, clauses (11) and (13) of this section 404.2 and investments in subsidiaries as provided for in section 405.2(c)) in common stocks, limited partnership interests, trust certificates (except equipment trust certificates described in clause (5)) or other equity interests (other than preferred stocks) of corporations, joint-stock associations, business trusts, business partnerships and business joint ventures incorporated, organized or existing under the laws of the United States, or of any state, district or territory thereof.

(ii) Stocks or shares of any regulated investment company which is registered as an investment company under the Federal Investment Company Act of 1940 (54 Stat 789, 15 U.S.C. §§ 80a-1 to 80a-52, 107), as, from time to time, amended, and which has no preferred stock, bonds, loans or any other outstanding securities having preference or priority as to the assets or earnings over its common stock at the date of purchase.

(iii) Investments under this clause shall not exceed twenty-five per centum (25%) of such company's admitted assets, and no investment in any single corporation or entity contemplated by this clause shall exceed five per centum (5%) of such company's admitted assets.

The limitations set forth in this clause shall not apply to investments in any corporation or entity which is an insurance company or a health maintenance organization holding a certificate of authority under the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

(iv) Limited partnership interests under this clause shall not exceed ten per centum (10%) of the company's admitted assets in the aggregate. A company may not invest more than ten per centum (10%) of its capital and surplus in any one such limited partnership.

* * *

Section 2. Section 405.2(c) of the act, added June 11, 1986 (P.L.226, No.64), is amended to read:

Amend Sec. 2, page 3, line 29, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator LOEPER, on behalf of himself and Senator HOLL, offered the following amendment No. A5312:

Amend Sec. 1 (Sec. 405.2), page 2, line 15, by removing the period after "company" and inserting: [.] or a health maintenance organization holding a certificate of authority under the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

Amend Sec. 1 (Sec. 405.2), page 3, lines 25 through 27, 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 LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 808 (Pr. No. 1499) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for definitions, for composition and powers of board, for licensing, for franchises and for administration.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 597, SB 785, SB 872 and SB 960 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION No. 74, ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 74**, entitled:

A Resolution honoring the Superior Court on its 100th Anniversary.

On the question,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

**COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator SALVATORE, from the Committee on Rules and Executive Nominations, 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:

**MEMBER OF THE COUNCIL OF TRUSTEES
OF MILLERSVILLE UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 24, 1995

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 1, 1995 for the appointment of Madelyn P. Nix, 19 Conestoga Road, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Paul G. Wedel, Leola, confirmed to another position.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF PARDONS

October 24, 1995

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 2, 1995 for the appointment of Richard P. Gigliotti, 130 West McQuiston Road, Butler 16001, Butler County, Twenty-first Senatorial District, as a member of the Board of Pardons, to serve until November 30, 1999, and until his successor is appointed and qualified, vice Thomas G. Frame, West Chester, whose term expired.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY--OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

June 1, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Shacklett, III, P. O. Box 606, Gwynedd 19437, Montgomery County, Twelfth Senatorial District, for appointment as a Commonwealth Trustee of Temple University--of the Commonwealth System of Higher Education, to serve until October 14, 1998, and until his successor is appointed and qualified, vice Maureen H. McCullough, Esquire, Havertown, whose term expired.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—47

Afflerbach	Greenleaf	Madigan	Shaffer
Andrezeski	Hart	Mellow	Stapleton
Belan	Heckler	Mowery	Stewart
Bell	Helfrick	Musto	Stout
Bodack	Holl	O'Pake	Tartaglione
Brightbill	Hughes	Peterson	Tilghman
Corman	Jones	Porterfield	Tomlinson
Dawida	Jubelirer	Punt	Uliana
Delp	Kasunic	Rhoades	Wagner
Fisher	LaValle	Robbins	Wenger
Fumo	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	

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 SALVATORE. 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 bill:

SB 946 (Pr. No. 1500) (Rereported) (Concurrence)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment of a chief administrative law judge and for certificate and medallion required.

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

HB 225 (Pr. No. 207)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for retirement of justices, judges and justices of the peace.

RESOLUTION REPORTED FROM COMMITTEE

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

HCR 235 (Pr. No. 2700) (Amended)

A Concurrent Resolution amending House Resolution No. 2 (Concurrent), approved by the Governor March 9, 1995, entitled "A concurrent resolution to create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures," changing the date of the report, and further providing for funding of the commission.

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

SENATE CONCURRENT RESOLUTION**URGING THE EPA TO ADOPT PROVISIONS OF
GOVERNOR RIDGE'S PETITION TO THE EPA
REGARDING WESTERN PENNSYLVANIA'S
INCLUSION IN THE OZONE TRANSPORT
COMMISSION (OTC)**

Senators FISHER, ROBBINS and HART, by unanimous consent, offered the following resolution (**Senate Concurrent Resolution No. 77**), which was read, considered and adopted:

In the Senate, October 24, 1995

A CONCURRENT RESOLUTION

Urging the EPA to adopt provisions of Governor Ridge's petition to the EPA regarding western Pennsylvania's inclusion in the Ozone Transport Commission (OTC).

WHEREAS, The Federal Clear Air Act amendments of 1990 created the OTC to regulate ground-level ozone and included this

Commonwealth and 11 other northeastern states, including the District of Columbia, as members; and

WHEREAS, The OTC consists of nonelected environmental officials from the 12 member states and the District of Columbia; and

WHEREAS, Inclusion in the OTC requires member states and the District of Columbia to adopt emission reduction procedures without state legislative authorization; and

WHEREAS, Western Pennsylvania historically has ozone readings similar to Ohio and the Ohio River Valley and not southeastern Pennsylvania; and

WHEREAS, Governor Ridge has petitioned the EPA to remove 37 western counties, including Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, Lycoming, McKean, Mercer, Mifflin, Potter, Somerset, Sullivan, Tioga, Union, Venango, Warren, Washington and Westmoreland from the OTC; and

WHEREAS, The Governor's petition avers that the removal of the 37 western counties will not have a negative impact on the ground-level ozone readings of the remaining OTC areas; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly urge the EPA to adopt the provisions of Governor Ridge's petition to the EPA to remove 37 western counties from the OTC; and be it further

RESOLVED, That copies of this resolution be transmitted to Carol Browner, Administrator of the EPA, and members of the Pennsylvania Congressional delegation.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Philip I. Berman by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. John T. Byers, Mr. and Mrs. Myron Musser, Mr. and Mrs. William Nachtrab, Mr. and Mrs. Warren E. Newcomer, Mr. and Mrs. Park A. Reinhart and to Mr. and Mrs. Sandy J. Salerno by Senator Armstrong.

Congratulations of the Senate were extended to Sigma Iota Epsilon by Senator Delp.

Congratulations of the Senate were extended to Thomas S. Elliott and to Aerospace Display Systems of Hatfield by Senator Holl.

Congratulations of the Senate were extended to Charles J. Betters by Senator LaValle.

Congratulations of the Senate were extended to The Sisters, Servants of the Immaculate Heart of Mary, by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Carl W. Boos by Senator Musto.

Congratulations of the Senate were extended to Robert B. Bailey by Senator O'Pake.

Congratulations of the Senate were extended to Gregory Burton by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Michael J. Michalik and to Nathan A. Krammes by Senator Rhoades.

Congratulations of the Senate were extended to Dr. John Dangerfield Cooper, Gilbert Casellas and to the Philadelphia Commission on Human Relations by Senator Schwartz.

Congratulations of the Senate were extended to Our Mother of Sorrows Church of Johnstown by Senator Stewart.

Congratulations of the Senate were extended to Hunting Park Community Development Corporation by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. Earl Voorhees by Senator Uliana.

BILL ON FIRST CONSIDERATION

Senator LOEPER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 225.

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

COMMITTEE OF CONFERENCE APPOINTED ON SB 282

The PRESIDENT pro tempore. The Chair announces the appointment of Senators HECKLER (Chairman), FISHER, and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 282.

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, October 25, 1995, at 10:45 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

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