

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 4, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 35

SENATE

TUESDAY, June 4, 1996

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

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

PRAYER

The Chaplain, Reverend JOHN STABB, of Calvary Lutheran Church, Philadelphia, offered the following prayer:

Let us pray.

Almighty God, creator of all things, we thank You for the many blessings that You shower upon this Commonwealth. We thank You for fertile fields, abundant rainfall, ports and waterways, and industrious workers. We pray that You would continue to favor this Commonwealth with such bounty.

Dear Lord, we acknowledge that the abundance that we receive from You is not simply ours to do with as we please. We are all stewards, accountable to You and to Your people. Lord, we confess to You that we have not always been as wise in our stewardship as perhaps we might have been. We ask You to forgive the past and guide us with your wisdom to be ever more faithful stewards in the days and years to come.

Heavenly Father, bless the men and women who are called to serve here in this Chamber, staff and Senators alike. Guide them as they make crucial decisions that affect Your creation and Your people. The issues, You know, Lord, are often complex. Time schedules and deadlines add to the pressure, and constituents are so quick to bring forward a complaint or a problem, but so slow to offer a simple thank you.

So for all who serve here in this place, dear Lord, we pray. Comfort them when they are downhearted, encourage them when they are perplexed, enlighten them when they need to see a new way to go. When their service here is done at the end of the day, at the end of the Session, at the end of a career, assure them that they have done their best to serve You and to serve the land and the people You love. Amen.

The PRESIDENT. The Chair thanks Reverend Stabb, who is the guest today of Senator Salvatore.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 3, 1996.

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.

SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR FRANK A. SALVATORE
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Salvatore.

Senator SALVATORE. Mr. President, Reverend Stabb's wife was here, and I do not know if she is still in the gallery. She is also a Reverend in her own right.

The PRESIDENT. If the spouse of Reverend Stabb is with us, would you please stand and the Senate will give you its usual warm welcome.

(Applause.)

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 752, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

GENERAL COMMUNICATION

LIST OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

June 3, 1996

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from May 1, 1996 through May 31, 1996 inclusive, for the

180th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary
Senate of Pennsylvania

TED MAZIA
Chief Clerk
House of Representatives

(See Appendix for complete list.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Judiciary to meet in the Rules room during today's Session to consider Senate Resolution No. 72 and Senate Bills No. 819, 1536, 1566, and 1572.

REPORTS FROM COMMITTEE

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

HB 1346 (Pr. No. 3087)

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, changing the date of appeal.

HB 2002 (Pr. No. 3089)

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, providing for auxiliary appeal boards in counties of the second class A; and further providing for rules and regulations.

HB 2041 (Pr. No. 3090)

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, providing for correction of errors and informal review in counties of the second class A.

HB 2102 (Pr. No. 3269)

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals; and providing for changes in assessment.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Andrezeski, and a temporary Capitol leave for Senator Williams.

The PRESIDENT. Without objection, those leaves are granted.

CALENDAR

SB 1371 CALLED UP OUT OF ORDER

SB 1371 (Pr. No. 2029) -- Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator LOEPER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1371 (Pr. No. 2029) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further defining "normal agricultural operation."

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1371?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1371.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

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 EDWARD W. HELFRICK PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I have the pleasure today to introduce to the Senate some gentlemen from my district who are not only instrumental in securing industry for the area, but they are also very instrumental in keeping indus-

try in the area. They are down here today because they are seriously concerned about the workers' compensation legislation.

They are: Ed Edwards, president of the Bloomsburg Area Chamber of Commerce; Fred Evans, vice president of Bloomsburg Mills, Inc.; Fred Fries, vice president of Dillon Floral Corporation; Brian Fry, human resources manager, Kawneer Company, Inc.; Tom Onions, assistant vice president of First Federal Savings and Loan Association of Hazleton; Kirby Pack, general manager of United Water of Pennsylvania; Phil Pelletier, administrative manager of Clear Decks Company; and Claude Renninger, owner of Renco Home and Sports Center.

Mr. President, I would appreciate it if the Senate would give them our usual warm welcome.

The PRESIDENT. Would our guests please rise so that the Senate may acknowledge you.

(Applause.)

GUESTS OF SENATOR J. DOYLE CORMAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I am indeed honored to have two outstanding students from Penn State University's main campus here visiting with us today. These are two very involved students. One is Ms. Sharon Entenberg, president of the undergraduate student government. She is from Stroudsburg, I believe in Senator Lemmond's district. She attends main campus in State College and majors in public relations. She is accompanied by Benjamin Faulds, who is president of Penn State's Council of Commonwealth Student Governments. Benjamin is from Hollidaysburg, in Senator Jubelirer's district. He also attends the main campus of Penn State and previously attended the Altoona campus. They are both here to visit with us to see what they can do about helping to increase the funds for higher education.

The PRESIDENT. Would our guests please rise so the Senate may acknowledge you.

(Applause.)

GUESTS OF SENATOR ROGER A. MADIGAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, it is a privilege today to have in the gallery 18 members of the Williamsport-Lycoming Chamber of Commerce. This includes their legislative committee as well as the members of the Leadership Lycoming class. It is my pleasure, along with Representatives Tom Dempsey and Brett Feese from Lycoming County, to host them for a day each year here in Harrisburg, provide them with lunch and an opportunity to see State government working at its best. I request that the Senate give them their usual warm welcome.

The PRESIDENT. Would our guests please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR CHARLES D. LEMMOND PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, I, too, am joined by two folks from Penn State University. Jason Getz worked in our office last year as a student intern. He is now the director of government affairs for the Council of Commonwealth Student Governments from Luzerne County from the 20th District. He did a great job and is doing a fine job for Penn State. He has asked me to introduce with him Ed Kilpela, who is the vice president of the undergraduate student government at Penn State University. They are fine young men who are seeing government in action at its best. I would appreciate your welcoming them to the Senate.

The PRESIDENT. Would our guests please rise so that the Senate may acknowledge you.

(Applause.)

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:30.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request, immediately upon the recess, that the Democratic Members please report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 3:30 p.m., this Senate stands 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 Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Fumo and Senator Porterfield. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Gerlach. Without objection, that leave is also granted.

CONSIDERATION OF CALENDAR RESUMED

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS**

BILL OVER IN ORDER TEMPORARILY

HB 406 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

HB 416 CALLED UP OUT OF ORDER

HB 416 (Pr. No. 3641) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL AMENDED

HB 416 (Pr. No. 3641) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for the supervision of shops.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A3328:

Amend Sec. 1 (Sec. 12), page 1, line 17, by inserting brackets before and after "under the immediate supervision of" and inserting immediately thereafter: operated by

On the question,

Will the Senate agree to the amendment?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Williams has returned to the floor, and his temporary Capitol leave is cancelled.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Tomlinson and Senator Delp have been called to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Tomlinson and Senator Delp. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, Senator O'Pake and Senator Williams have been called to their offices, and I request temporary Capitol leaves for them.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator O'Pake and Senator Williams. Without objection, those leaves are granted.

CONSIDERATION OF CALENDAR RESUMED

HB 406 CALLED UP

HB 406 (Pr. No. 3504) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Bill on Concurrence in House Amendments to Senate Amendments, by Senator LOEPER.

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 406 (Pr. No. 3504) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929, providing for additional duties of the Department of Corrections in relation to prison inmate medical needs, for seasonal farm labor, for powers and duties of the Department of Health relating to anatomical gifts and for a study of pharmacy prices; further providing for the duties of the Department of General Services relating to certain contracts for modular facilities; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 406?

Senator LOEPER. Mr. President, I move that the Senate concur in House amendments to Senate amendments to House Bill No. 406.

On the question,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, a point of parliamentary inquiry.

The PRESIDENT. The gentleman will state his point.

Senator AFFLERBACH. Mr. President, what motion would be in order in order to place this bill in position to offer an amendment?

The PRESIDENT. The gentleman would make a motion to suspend Senate Rule XIV.

MOTION TO SUSPEND RULE XIV

Senator AFFLERBACH. Mr. President, I then move to suspend Senate Rule XIV in order to offer an amendment to House Bill No. 406.

The PRESIDENT. Senator Afflerbach moves to suspend Rule XIV to offer an amendment to House amendments.

On the question,

Will the Senate agree to the motion to suspend Rule XIV?

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

Senator LOEPER. Mr. President, I believe the motion is nondebatable, and I ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I am sorry, I could not follow the discussion because of some things taking place right here, but what I would like to do is oppose the motion to suspend the rules and ask for a negative vote.

The PRESIDENT. Senator Loeper made that precise point.

And the question recurring,

Will the Senate agree to the motion to suspend Rule XIV?

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

YEAS—5

Afflerbach	LaValle	Schwartz	Wagner
Hart			

NAYS—44

Andrezeski	Gerlach	Mellow	Shaffer
Armstrong	Greenleaf	Mowery	Stapleton
Belan	Heckler	Musto	Stewart
Bell	Helfrick	O'Pake	Stout
Bodack	Holl	Peterson	Tartaglione
Brightbill	Hughes	Piccola	Thompson
Corman	Jubelirer	Porterfield	Tilghman
Costa	Kasunic	Punt	Tomlinson
Delp	Lemmond	Rhoades	Uliana
Fisher	Loeper	Robbins	Wenger
Fumo	Madigan	Salvatore	Williams

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

And the question recurring,

Will the Senate agree to the motion to concur in House amendments to Senate amendments to House Bill No. 406?

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ALBERT V. BELAN
PRESENTED TO THE SENATE

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

Senator BELAN. Mr. President, it is my great honor and pleasure to present to the Senate today 13 individuals—3 individuals who are from my district—who are first place honor winners in the 15th Annual Library First Amendment Essay Competition. This competition is sponsored by the Pennsylvania Citizens For Better Libraries.

With us today in the gallery is Michael Cimba, who won first honors in the kindergarten grade division. Michael is from the University Park School Library in Monroeville. And in the first grade division, Tanya Johnson is with us, and she represents the Moss Side Elementary School Library in Monroeville. Also here today is the first honors winner from the third grade division, Cory Ramos, and this is the second year in a row that Cory has won the award. Cory is also from the Moss Side Elementary School Library. Accompanying these young people here today, Mr. President, is the librarian at University Park and Moss Side Libraries, Hope Sehring, who has been an active influence in encouraging these young writers. The families of the award winners are also present and should be recognized for their help and support.

Mr. President, it is my great pleasure to present these young men and women, their librarian, and their families to the Senate, and I ask that they be given the Senate's usual warm welcome.

Thank you, Mr. President.

The PRESIDENT. Would our guests please rise so the Senate may give you its usual warm welcome.

(Applause.)

And the question recurring,

Will the Senate agree to the motion to concur in House amendments to Senate amendments to House Bill No. 406?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, on the motion to concur in House amendments to Senate amendments to House Bill No. 406, there is a great deal in this bill with which I agree. I like the section dealing with expedited prison construction, the section dealing with recovery of health care costs for prisoners, the section with pharmacy reimbursements, and charging the Department of Aging to conduct an appropriate study.

However, there is one section that raises great concern for me, and that is an amendment added by the House of Representatives. On page 3 of the bill, lines 5 through 14, this amendment mandates that hospitals and other such institutions which may happen to purchase tissue samples would have to use a rotation basis and purchase from every tissue supplier that might be willing to sell such tissue samples.

Now, Mr. President, I see some severe problems in that regard. First, I should also mention that this Senate addressed this issue in 1994 and rejected the idea of a rotation. We essentially said let the hospitals use their best medical judgment when contracting with a tissue supplier. The Independent Regulatory Review Commission then also considered the idea and rejected the idea of rotation. As I recall, we rejected that idea, as did IRRC later reject it, for the very simple reason that there are no guidelines nor regulations governing tissue suppliers in this Commonwealth, and there are no such Federal guidelines either. By mandating rotation, we essentially open a door, in my opinion, for anyone to set themselves up in this Commonwealth as a tissue supplier and demand the opportunity to be on that rotation schedule. To suggest that quality control is a problem I think is an appropriate suggestion. And furthermore, without appropriate State or Federal regulation, we have no way of assuring those hospitals or any individual who may donate tissue samples to any of these tissue banks that things are being done in an appropriate fashion.

In addition to that, Mr. President, there is another concern, and that has to do with existing contracts, because after the passage of Act 102 in 1994, we charged the Department of Health to promulgate regulations whereby hospitals and other such facilities would be able to establish individual contracts with tissue suppliers. Many have done so. Those contracts are in existence, and yet this bill states that the act shall take effect immediately upon signature of the Governor.

Mr. President, I have a concern as to how the existing contracts are going to be handled under a mandated rotation system that takes effect immediately, and I wonder whether the Majority Leader, the gentleman from Delaware, Senator Loeper, would stand for brief interrogation in that regard.

The PRESIDENT. Senator Loeper, will you stand for interrogation?

Senator LOEPER. Yes, Mr. President, I will.

The PRESIDENT. Senator Afflerbach, continue.

Senator AFFLERBACH. Mr. President, with respect to the existing contracts that hospitals have already consummated with tissue suppliers, is it your understanding that any hospital which has signed such a contract with a tissue procurement provider or supplier since the publication of the Department of Health guidelines and regulations would be exempted from the mandatory requirement of the rotational amendment to this bill?

Senator LOEPER. Mr. President, it is my understanding that this legislation would not impair an existing contract.

Senator AFFLERBACH. Mr. President, and so in short, existing contracts would continue to be in effect and those hospitals would not have to also enter into some sort of a rotational system so long as the existing contract is in effect?

Senator LOEPER. Mr. President, that is correct, for the duration of that contractual relationship.

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

Mr. President, that at least gives me some relief of my concern with hospitals that have entered into contracts. I still, however, am very much concerned about the fact that we are

mandating rotation with entities over which there is no State regulation in a very sensitive area, and for that reason I ask for a negative vote on the bill.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in concurrence with the gentleman from Lehigh, Senator Afflerbach, and ask my colleagues to vote against concurrence in this bill for the same reasons. Basically, Mr. President, I am supportive of the other provisions of the bill, but I do find the amendment that was placed in it by the House to be too serious and I think too detrimental to support the bill overall.

Mr. President, I have heard from a number of organizations involved in this issue, and, in fact, I think my colleagues will be interested in if they have not spent the time and read a policy memorandum that was distributed to us by the Department of Health regarding the guidelines that have just been promulgated within the last month to assist hospitals in the selection and designation of tissue procurement providers. Mr. President, from my reading of these guidelines, it appears as though the department is attempting to give guidelines for hospitals to choose their own tissue procurement outlets. Now, Mr. President, it seems that we ought to give those guidelines a chance to go into effect and to test them before we decide to mandate a rotation on hospitals for that decision.

Also, Mr. President, regarding that issue, I believe that the section that was placed in by the House is not clear and does not clearly allow hospitals that have entered into contracts to retain those contracts. It also does not necessarily state anything regarding the length of a contract, if it is currently open-ended, if they can renew it.

Also, Mr. President, and I think this is the most important issue of all, and an issue that none of us here in the legislature are skilled in, and that is surgery and transplantation and tissue transplantation. I believe that we should leave that decision to those who have been educated and have been working in that field. That is the physicians and the hospitals. Mr. President, I think that in this era of changes and constant change and the technology and the advancement of science in this area, we should certainly not be legislating a mandate of rotation of tissue banks because they are all different, and we in the legislature are certainly not the most schooled to make those decisions.

Finally, Mr. President, if we are going to deal with this issue, I believe that we should allow open and public hearings on it before we make such a serious decision. Seeing that this was done very quickly in the House, as this bill has been passed back and forth between the bodies, this clearly has not happened. I think all of us have gotten responses from some groups that are interested, some of the tissue banks and some of the surgeons who may be interested in this issue, but, Mr. President, I believe we need to take more time to study it before we go ahead and pass this mandate. Therefore, I hope that we would not concur.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Gerlach has returned, and his temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to the motion to concur in House amendments to Senate amendments to House Bill No. 406?

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, I rise to support the recommendation of the Majority and Minority Leaders to approve this. I am very much in favor of the superb tissue bank which we find in northeastern Pennsylvania which, with this legislation, will be allowed to remain in a fair and equitable rotation among the tissue banks in Pennsylvania.

The tissue bank in northeastern Pennsylvania is joined by the other tissue bank in eastern Pennsylvania, which is centered at the University of Pennsylvania Medical Center. They clearly and concisely have presented their reasons for supporting the bill as it now exists. They say, and this is from the University of Pennsylvania Medical Center, that the bill will preserve the system now present in Pennsylvania which rotates referrals to tissue procurement providers. They go on to say, in response to the gentleman from Lehigh County, that it should be noted that adjustments to such rotations may be made to accommodate new, quality tissue procurement providers accredited by the American Association of Tissue Banks. Not everyone in the Commonwealth may enter into the fray, not everyone may step up to the plate and pretend to be a tissue provider.

The University of Pennsylvania goes on to say that a rotation system will maintain the ability of freestanding and hospital-affiliated tissue procurement organizations in Pennsylvania to maintain access to donor tissue for transplantation. For those of us not from Philadelphia but who admire the medical facilities there, they conclude that the hospital of the University of Pennsylvania supports the continuing rotation system for organ tissue and bone donation because it is fair, orderly, and rational. Passage of House Bill No. 406 will ensure that no organ procurement organizations will achieve a monopoly in eastern Pennsylvania. For those reasons, Mr. President, I am delighted to support both the Majority and Minority Leaders in this matter.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, not to prolong the debate on House Bill No. 406, but I would also like to join in the support, along with my colleagues, the gentleman from Delaware, Senator Loeper, and others on the other side of the aisle.

This, Mr. President, as just explained by the gentleman from Luzerne, Senator Lemmond, is an excellent piece of legislation. There are only four tissue banks in the Commonwealth, Mr. President. Two of them are contractually bound and owned by hospitals or by organ procurement organizations, one is not. That is the hospital of the University of Pennsylvania. And the other happens to be the Pennsylvania Tissue Bank, which is

the first in the country, and that happens to be located in the city of Scranton. What the amendment that was put into House Bill No. 406 does, it actually says that any time tissue is purchased it must be purchased on a revolving basis so that all four tissue banks in the State must participate in the program and that no tissue bank in the Commonwealth can be eliminated.

Also, Mr. President, the independent tissue bank known as the Pennsylvania Tissue Bank is accredited and certified by the National Organization of Tissue Banks and also inspected by the FDA. So, Mr. President, House Bill No. 406, the way it currently is, is a good piece of legislation. It, by and large, has total support within the community of transplant and tissue procurement, and I urge a positive vote on House Bill No. 406.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, just one final comment. This particular language in House Bill No. 406 essentially intrudes into the free marketplace, intrudes into quality selection, and mandates market share through mandated rotation. If it is the wish of this body to do that, and the House has already expressed its wish to do so, then I think the very least we should do is also prepare legislation which will at least place certain regulations and quality assurance guarantees on those entities operating as tissue procurement services. The gentlewoman from Allegheny, Senator Hart, and I will be doing that, and I would certainly invite everyone in this Chamber who believes rotation is the way to go to join us in enacting legislation that will assure quality control and ethical standards among tissue procurement services.

And the question recurring,

Will the Senate agree to the motion to concur in House amendments to Senate amendments to House Bill No. 406?

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

YEAS—41

Andrezeski	Heckler	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stewart
Belan	Holl	Musto	Stout
Bell	Hughes	O'Pake	Tartaglione
Bodack	Jubelirer	Peterson	Thompson
Corman	Kasunic	Porterfield	Tomlinson
Costa	LaValle	Punt	Uliana
Delp	Lemmond	Rhoades	Wagner
Fisher	Loeper	Robbins	Wenger
Fumo	Madigan	Salvatore	Williams
Gerlach			

NAYS—8

Afflerbach	Greenleaf	Piccola	Shaffer
Brightbill	Hart	Schwartz	Tilghman

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.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 1172 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 368 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 689 (Pr. No. 1945) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

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 701, HB 778, HB 1130 and SB 1469 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1509 (Pr. No. 1929) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), entitled "Pennsylvania Commission on Crime and Delinquency Law," further providing for composition of the commission.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

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 AMENDED

HB 1571 (Pr. No. 3502) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a real estate transfer disclosure statement.

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

HART AMENDMENT A3224

Senator HART offered the following amendment No. A3224:

Amend Sec. 5, page 12, by inserting between lines 23 and 24:
NOTE TO BUYER: If the property is in any of the following counties, the dwelling may be subject to mine subsidence damage. Mine subsidence damage insurance is available from:
Department of Environmental Protection
Mine Subsidence Insurance Fund
3913 Washington Road
McMurray, PA 15317
412-941-7100

Counties in the anthracite coal region: Carbon, Columbia, Dauphin, Lackawanna, Lebanon, Luzerne, Northumberland, Schuylkill, Sullivan, Susquehanna, Wayne and Wyoming.

Counties in the bituminous coal region: Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, Lycoming, McKean, Mercer, Potter, Somerset, Tioga, Venango, Warren, Washington and Westmoreland.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, this amendment adds a section to the disclosure that we will be debating in House Bill No. 1571. It simply is notice up front to the buyer of property in some of the areas of the Commonwealth that have been undermined that there may be reason for them to purchase mine subsidence insurance when they purchase their property.

Mr. President, in my background, my profession as an attorney, I primarily practice in the field of real estate law, I was amazed, especially in Allegheny County, where my primary practice is, to find that most people who are purchasing property are not aware that areas like Allegheny County and many other areas are subject to mine subsidence and that they should, in fact, purchase mine subsidence insurance. This amendment, Mr. President, simply lists the counties that may be subject to mine subsidence and gives an address and phone number where the buyer may purchase mine subsidence insurance. I would encourage my colleagues to adopt the amendment.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, would the gentlewoman from Allegheny, Senator Hart, present herself to be interrogated?

The PRESIDENT. Will the gentlewoman from Allegheny, Senator Hart, stand for interrogation?

Senator HART. Certainly, Mr. President

The PRESIDENT. Senator Mellow, you may continue.

Senator MELLOW. Mr. President, could the gentlewoman tell us, based on the amendment that we have and the listing of the various counties that starts in the anthracite coal region with Carbon County and in the bituminous coal region with Allegheny County, does every property in Carbon County that is for sale, regardless of whether it is in an area that has been mined or has a history of mine subsidence, have to be indicated to the buyer that the dwelling may be subject to mine subsidence insurance in that county?

Senator HART. Mr. President, in answer to the gentleman's question, the counties that are listed on the amendment are the counties where there have been problems in some areas of the counties with mine subsidence. Therefore, the notification is made to the buyer to basically get ahold of the maps, for example, that are available through the Federal Bureau of Mines,

to examine those maps and determine for themselves whether their property would be located in an area that would be subject to a problem.

As some of my colleagues may be aware, there have been areas undermined that have no problems of mine subsidence for years and then all of a sudden they have problems. Therefore, Mr. President, it is simply information upfront to those buyers that they may wish to purchase that protection in these particular areas, even if where the home is exactly located has not had a problem, but somewhere else in that county has had a problem. Therefore, this amendment is of course not saying to them that you will experience mine subsidence, it is simply saying that areas in your county have experienced mine subsidence and therefore you may want to take a precaution and protect yourself in advance of your purchase. In other words, concurrent with your purchase, buy that subsidized insurance, which is available to them for a nominal fee, and it is something that would protect them if there is mine subsidence on their property in the future.

Senator MELLOW. Mr. President, could the gentlewoman tell us if a particular county, and I will stay with Carbon County, because it is the first one listed in the amendment, and there is a part of Carbon County that has never been mined, because in the anthracite region the coal was deep mined in veins and those veins followed very specific lines and there are parts of these counties that have never been mined and therefore can never be subjected to the possibility of mine subsidence, under that scenario, do these particular homes that are being sold, do those buyers still have to be notified of the potential problem of mine subsidence, based on the amendment? Does every home in the county, whether they are in an area that has been mined or has not been mined, do they have to be notified?

Senator HART. Mr. President, because we cannot specifically locate each area that has been undermined, and in fact there are some areas where it is not known whether there have been mines underneath them or not, yes, everyone who is purchasing a property in that county will be informed that there has been some mine subsidence problem within that county, and then it is up to that buyer to take the steps to determine whether or not the property that they are interested in is located in an area of danger.

Senator MELLOW. Mr. President, I thank the gentlewoman.

Mr. President, my concern here is property values and what an amendment like this will do to property values in areas that have never been mined. I know in the counties that I represent there are some beautiful areas that have very, very high property values that have never been mined and if you do get the maps of the underground mining, you will know exactly what parts of counties have been mined underground and what parts of counties have not been mined. My concern is are we putting an undue burden on areas that have never been mined that might have a very high property value, and are we going to lower that property value based on this amendment by saying that in Carbon County in a beautiful area that has never been mined, you must notify the buyer that the dwelling may be subject to mine subsidence damage, when in fact that area has

never been mined? Are you then going to take a property that has a significant property value and a significant tax value to the county and diminish that or lower it because of what must be notified here to the buyer?

I have no problem with notification to a buyer in an area where there is a mine subsidence history or in an area where it has been mined, and you can have the maps that will show areas that have been mined. I do not care whether it is Carbon, Columbia, Dauphin, Lackawanna, Lebanon, Luzerne, or what have you, for the anthracite coal region, I think there is an extreme possibility here that you can devalue property through this particular type of amendment because of areas that this is not limited to. It is, according to the gentlewoman from Allegheny, Senator Hart, every property in every one of those counties that is listed, the buyer must be notified, whether there is a chance of mine subsidence damage or whether there is not. I think the amendment goes too far. If it was limited only to those areas of mine subsidence, I would say absolutely that this is an appropriate type of amendment that we should have. If the amendment only dealt with areas where there was deep mining, I would agree with the gentlewoman completely that this is an amendment that we should have, but there are significant areas that never have been subject to mining in any of these particular counties, and therefore by having notification to the buyer that your property could be subject to mine subsidence damage, in my opinion, reduces the value of those properties, and for that reason, the way that the amendment is currently drafted, I would have to oppose the amendment.

The PRESIDENT. Senator Mellow, does that conclude your questioning?

Senator MELLOW. Mr. President, it is not a question. Basically, I think if we read this thing properly, this amendment is very, very broad. It does not only cover homes that have had mine subsidence, it does not only cover homes that are in an area where potentially you could have mine subsidence because of having underground mining, it extends itself by saying mine subsidence damage to properties that could never have mine subsidence in areas that have never been mined. I think that is an undue hardship on the buyer and the seller, and I think equally as important, Mr. President, it diminishes the value of the property, and for that reason I would have to oppose the amendment, and I come from an area that has had a history of mine subsidence.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I understand the gentleman's initial concern with including a large list of counties, many portions of those counties which will not have had mining. I also come from an area that has had quite a bit of mining, and in fact in very recent months we have had unfortunate experiences where areas that are not even on the maps have experienced mine subsidence from very, very old mines that just simply were not known to be there. Therefore, Mr. President, it is impractical for us to basically single out small areas of these counties and say, here you go, here is the map, and if you are on the edge of that then you do not have to pay attention or be concerned, and if you are in a certain area then you

do. This is simply a notification to people who are interested in purchasing property in Pennsylvania, which is a very large mining State, that when you buy property, you are responsible to make sure that you are buying property that will be fine, first of all, and second of all, one fortunate thing is that we have a mine subsidence insurance program here to protect people who buy those properties. That is, Mr. President, there will be no effect on the property values and there has been no effect on the property values. In fact, one of the areas in my district where currently half-a-million dollar houses are being built is an area subject to mine subsidence. Those properties have not suffered in value, nor have they been slow to sell, because there is protection available. And this amendment simply notifies individuals in those counties where they may be subject to a problem that that protection is available to them. Therefore, they will not take a loss.

It is important, I think, that we include that if we are going to pass a disclosure for real estate sales, that we include the mine subsidence issue in there, because Pennsylvania has been so widely mined and unfortunately so many of those mines simply are not on maps. They are not known. Therefore, I think it is important to include the entire counties of areas that have been mined.

Mr. President, I understand the gentleman's concern, but as I stated, I think it is more important for us to provide that notification and disclosure so a buyer can take steps to purchase insurance which will protect them from any problem.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, just in conclusion, first of all I believe it is the realtor's obligation to work with the Department of Environmental Protection. The mine subsidence insurance fund, which has the maps in every county, can tell you very readily whether there is an area that potentially can suffer mine subsidence. They can also tell you the areas very, very clearly that have never been mined, and I think it is the obligation of the realtor to look at these maps and to inform the seller and the buyer also that you are living in an area or you are purchasing a home in an area where you potentially might have mine subsidence because of mining. But it is inconceivable, Mr. President, that you have to do the same thing when the maps are available in areas that have never been mined. Just think what it may possibly do to the property values of these particular areas. You have homes in many areas that are very expensive. The valuation is extremely high. The tax they pay, Mr. President, is a high property tax based on that assessed valuation of the property, and to lump everyone into the same package is unfair, because the mining maps are very clear and the Department of Environmental Protection can tell you exactly what locations in the various counties have been mined and which of those locations potentially could be subject to mine subsidence. All I would like to ask the gentlewoman to do, Mr. President, would be to redraft the amendment to come up with specifics with regard to the Department of Environmental Protection so that they can determine what areas within the counties potentially could have

mine subsidence and not just extend the boundary to cover every county. I think it is unfair to the property owner of that county and it is unfair to the county itself to say that every home in those counties that are designated must be notified of potential mine subsidence, even if those particular properties are not in an area that has ever been mined, and for that reason I think the amendment goes too far, and I would have to ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, this is an amendment where I am somewhat betwixt and between. The gentlewoman from Allegheny, Senator Hart, offers a reasonable proposition, and that is to simply notify buyers that a county has experienced mine subsidence at some point so that the buyer may then exercise whatever judgment he or she may have and whatever investigative talents they may have available to determine if the part of the county in which they are interested in purchasing property may in fact be affected in the future or has been affected in the past.

Now, the Lehigh Valley is not known as a mining area of the State. The fact of the matter is that over the years historically we have had what is often referred to as pit mining or quarry mining, for such things as slate and aggregate. We also, however, have had an experience with a company that was zinc mining, and while we knew very well where that underground mining was taking place, what we did not realize for the better part of 25 years was that as the company mined its zinc and pumped water out of those mines, it was lowering the water table for miles and miles beyond the actual underground mining efforts. As a result, we began to have sinkholes appearing where no one could have forecast that we would have had that kind of subsidence. We were never able to prove a direct link for damage purposes to the zinc mining, but any number of geologists have stated very clearly that a lowering of the water table in a limestone area such as the Lehigh Valley could be expected to create pockets of later subsidence. For that reason, Mr. President, I think that the gentlewoman's amendment is supportable, because clearly people moving into the Lehigh Valley in those areas would have had no reason to conclude that zinc mining, 5 and 6 and 8 miles away from where those sinkholes occurred, could have had an effect. If they are notified as potential buyers that this problem did exist, they may now at least be able to have the opportunity to pursue subsidence insurance. Furthermore, when it comes to a devaluation of property, I think the experience we have had with flood plain insurance and flood plain warnings indicates that there is a very slim chance of devaluation of property. A willing buyer buys for any number of reasons, and if they know that insurance is available to protect against such natural disasters as floods and mine subsidence, they are often willing to purchase that insurance and take their chances, because they know they are covered and they are getting the site that they want. Indeed, if one just looks at the city of Harrisburg and takes the Shipoke area alone, that area was devastated by Agnes in 1972, it was devastated again this past winter with ice floes, and yet the properties continue to maintain their

value, people are rebuilding, new people are moving in, and I daresay those who have taken advantage of flood insurance have not suffered a significant loss.

This amendment does nothing more than provide a willing buyer with an advisory and that buyer may then take that advisory and do with it whatever he or she wishes. I do not see anything wrong with that, and I ask for support of the gentlewoman's amendment.

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

AMENDMENT WITHDRAWN

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, after discussion with those who appear to be in agreement with me on the issue, I intend to withdraw the amendment and have it redrafted so that we can offer it again in the future.

The PRESIDENT. Senator Hart withdraws the amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

CORMAN AMENDMENT A2877

Senator CORMAN offered the following amendment No. A2877:

Amend Sec. 5, page 15, lines 28 and 29, by striking out "would significantly" in line 28, all of line 29 and inserting: involves an unreasonable risk.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, what this amendment does, it deals with the issue of a material defect to bring it in compliance with what is common law practice in the State of Pennsylvania today. The bill as it is currently written reads, "A material defect is a problem with the property or any portion of it that would have a significant adverse impact on the value of the residential real property or that"—and the words we are changing and the words currently in the bill—"would significantly impair the health or safety of the occupants." It has been recommended by legal counsel that we change those words, and so it would read "...on the value of the residential real property or that involves an unreasonable risk." So it is an editorial change that was suggested by legal counsel to keep it in line with the thinking of case law in Pennsylvania.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

CORMAN AMENDMENT A3282

Senator CORMAN offered the following amendment No. A3282.

Amend Sec. 2, page 2, by inserting between lines 26 and 27: "Material defect." A problem with the property or any portion of it that would have a significant adverse impact on the value of the residential real property or that involves an unreasonable risk to people on the land.

Amend Sec. 4, page 4, line 26, by striking out "complete" and inserting: disclose to the buyer any material defects with the property by completing

Amend Sec. 5, page 6, lines 7 and 8, by striking out "would significantly impair the health" in line 7, all of line 8 and inserting: involves an unreasonable risk to people on the land.

Amend Sec. 8, page 18, lines 7 and 8, by striking out "the inaccuracy resulting therefrom does" in line 7, all of line 8 and inserting: the seller shall notify the buyer of the inaccuracy.

Amend Sec. 12, page 20, lines 3 through 6, by striking out all of said lines and inserting: provisions of law. An

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.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT J.
MELLOW PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, we are honored today to have with us the daughter of the late Senator Roxanne Jones. Pat Hayward is with us, she is seated over here, and I would just like to ask her to stand up and have the Members acknowledge and recognize her. As you all know, her mother was a dynamic part of this body and will live with us forever, but, Pat, if you would stand up and be recognized by us.

(Applause.)

The PRESIDENT. The Chair acknowledges Senator Mellow. It was nice that you take the time during a distressing period in your life to be with us. Thank you.

**CONSIDERATION OF CALENDAR RESUMED
SECOND CONSIDERATION CALENDAR**

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

HB 8 (Pr. No. 3582) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing programs for the education of disruptive students.

Considered the second time and agreed to,

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

SB 388 (Pr. No. 2030) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1988 (P. L. 1192, No. 147), entitled "Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act," further providing for modifications in amount of postretirement adjustment.

Considered the second time and agreed to,

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

SB 1397 (Pr. No. 2031) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of July 10, 1986 (P. L. 1263, No. 116), entitled "Community Services Act," further providing for functions of the agency and for apportionment of appropriations; and extending the expiration date of the act.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

SB 44 (Pr. No. 2039) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of frozen dessert trucks equipped with side warning arms and flashing lights in this Commonwealth.

Considered the second time and agreed to,

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

SB 165 (Pr. No. 2040) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for protective equipment for motorcycle riders.

Considered the second time and agreed to,

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

SB 239 (Pr. No. 245) -- 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," further providing for filling of vacancies.

Considered the second time and agreed to,

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

SB 497 (Pr. No. 2041) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting dealing in traffic-control devices or bridge parts as scrap.

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

SB 685 (Pr. No. 719) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for reports to the Secretary of Revenue.

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

BILL OVER IN ORDER

SB 853 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 942 (Pr. No. 1014) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Fish and Boat Commission.

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

SB 943 (Pr. No. 1015) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Game Commission.

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

BILL OVER IN ORDER

HB 1182 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1231 (Pr. No. 1438) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," further defining the term "goods" to include motor vehicles.

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

BILLS OVER IN ORDER

SB 1315 and **SB 1316** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1362 (Pr. No. 3589) -- The Senate proceeded to consideration of the bill, entitled:

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

BILLS OVER IN ORDER

SB 1398, SB 1447, SB 1553, HB 1823 and **HB 2223** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 2305 (Pr. No. 3073) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled "An act conferring limited residency status on military personnel and their dependents assigned to an active duty station in Pennsylvania," providing for the status of certain personnel.

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

BILLS OVER IN ORDER

HB 2379 and **HB 2446** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,
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.

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:

JUDGE, MUNICIPAL COURT OF PHILADELPHIA

May 8, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. O'Grady, Jr., 813 North 64th Street, Philadelphia 19151, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Municipal Court of Philadel-

phia, to serve until the first Monday of January 1998, vice The Honorable William A. King, Jr., mandatory retirement.

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—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD
OF ACCOUNTANCY

May 6, 1996

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, Austin R. Morris, 1277 Dogwood Lane, Huntingdon Valley 19006, Montgomery County, Fifth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Marilyn L. Painter, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

May 6, 1996

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, Dwight Davis, M.D., 1659 Nottingham Drive, Hummelstown 17036, Dauphin County, Fifteenth

Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until May 23, 1998 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

May 6, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold E. Frantz, 43 Nichols Street, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1998 and until his successor is appointed and qualified, vice John Kordish, Clearfield, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

May 6, 1996

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, Jules Rosen, M.D., 1505 Windsor Court, Pittsburgh, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1997 and until his successor is appointed and qualified, vice Harriet Levinson, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

May 6, 1996

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, Anne S. Thacik, 201 McLaughlin Street, Curwensville 16833, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1998 and until her successor is appointed and qualified, vice Diane Bartoli, Drums, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

May 6, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn M. Wermuth, 1169 Wicklow Court, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1997 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

May 6, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jean A. Williams, 2200 Park Hill Drive, Pittsburgh 15221, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1997 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

May 6, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lawrence R. Soma, VMD., 34 Elstone Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF HAVERFORD STATE HOSPITAL**

April 18, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carolyn H. Parker, 18 College Avenue, Haverford 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Rev. Barnabas W. Glenn, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

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

April 26, 1996

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, Daniel P. Elby, 3535 Pebble Ridge Drive, York 17402-4358, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

April 26, 1996

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, Donald L. Faulkner, Esquire, Maple Avenue, Box 20, Beech Creek 16822, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

April 26, 1996

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, Guy A. Graham, 605 Indian Road, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Joseph O. Smith, Jr., Muncy, whose term expired.

THOMAS J. RIDGE
Governor

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

April 26, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Williams, R. D. #4, Box 22, Jersey Shore 17740, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF MEDICINE**

April 22, 1996

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, Alvin A. Kinsel, M.D., 222 Margery Drive, Pittsburgh 15238, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

April 30, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bart E. Burne, Ed.D., 202 North Highland Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1999 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

April 26, 1996

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, Yvonne E. Keairns, Ph.D., 5419 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

May 1, 1996

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, Maurice F. Prout, Ph.D., Weidner University, 211 South Aberdeen Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Board of Psychology, to serve until June 8, 1997 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward C. Brennan, Ph.D., Dunmore, deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SCOTLAND SCHOOL FOR VETERANS' CHILDREN**

May 10, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. McAllister, 45 Hellam Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Lloyd Trinklein, Shippensburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WERNERSVILLE STATE HOSPITAL**

April 18, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Warren W. Lamm, 376 Weidman Avenue, Sinking Spring 19608, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WERNERSVILLE STATE HOSPITAL**

April 18, 1996

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, Dennis D. Louwse, 103 Park Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of

Wernersville State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

April 22, 1996

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, Mr. David J. Barton, 4605 Sherwood Drive, Pittsburgh 15236, Allegheny County, Thirty-seventh Senatorial District, for appointment as District Justice, in and for the County of Allegheny, Magisterial District 5-2-17, to serve until the first Monday of January 1998, vice Jules C. Melograne, resigned.

THOMAS J. RIDGE
Governor

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

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

YEAS—49

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

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.

MOTION TO CALL UP DISCHARGE RESOLUTION No. 5

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I would like to move that a discharge resolution be considered as a Special Order of Business, that being Senate Bill No. 576, which is in Discharge Resolution No. 5.

The PRESIDENT. Senator Hughes moves that Senate Discharge Resolution No. 5 be considered as a Special Order of Business at this time.

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

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

Senator LOEPER. Mr. President, I oppose the motion to call up the discharge resolution.

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

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

YEAS—20

Afflerbach	Fumo	Musto	Stewart
Andrezeski	Hughes	O'Pake	Stout
Belan	Kasunic	Porterfield	Tartaglione
Bodack	LaValle	Schwartz	Wagner
Costa	Mellow	Stapleton	Williams

NAYS—29

Armstrong	Hart	Madigan	Salvatore
Bell	Heckler	Mowery	Shaffer
Brightbill	Helfrick	Peterson	Thompson
Corman	Holl	Piccola	Tilghman
Delp	Jubelirer	Punt	Tomlinson
Fisher	Lemmond	Rhoades	Uliana
Gerlach	Loeper	Robbins	Wenger
Greenleaf			

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

UNFINISHED BUSINESS DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of Julie S. H. Wong, as a member of the Minority Business Development Authority.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Julie S. H. Wong, as a member of the Minority Business Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- William J. Stewart
- Robert J. Mellow
- Leonard J. Bodack
- Michael A. O'Pake
- Vincent J. Fumo
- Patrick J. Stapleton

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of William R. Davis, as a member of the Workmen's Compensation Appeal Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of William R. Davis, as a member of the Workmen's Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of Daniel R. Fleck, as a member of the Workmen's Compensation Appeal Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Daniel R. Fleck, as a member of the Workmen's Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of Alfonso Frioni, Jr., as a member of the Workmen's Compensation Appeal Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Alfonso Frioni, Jr., as a member of the Workmen's Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of Robert T. McIntyre, as a member of the Workmen's Compensation Appeal Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Robert T. McIntyre, as a

member of the Workmen's Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of Gail L. O'Neal, Esq., as a member of the Workmen's Compensation Appeal Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Gail L. O'Neal, Esq., as a member of the Workmen's Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

In the Senate, June 4, 1996

A PETITION

To place before the Senate the nomination of Leta V. Pitman, Esq., as a member of the Workmen's Compensation Appeal Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Leta V. Pitman, Esq., as a member of the Workmen's Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Julio Gurdy and to the First Valley Bank of Bethlehem by Senator Aflerbach.

Congratulations of the Senate were extended to Tanya E. Johnson, Cory Ramos and to Michael Cimba by Senator Belan.

Congratulations of the Senate were extended to Dr. George H. Slick by Senator Bell.

Congratulations of the Senate were extended to the Puritan Paint and Oil Co., of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Leslie E. Kline, Jr., Daniel F. Dibert and to Stacey Confer by Senator Corman.

Congratulations of the Senate were extended to Thomas Pofi and to James Blackburn by Senator Costa.

Congratulations of the Senate were extended to Robert A. Graeser by Senator Fisher.

Congratulations of the Senate were extended to Brian Smith by Senator Gerlach.

Congratulations of the Senate were extended to Beverly Freed by Senator Greenleaf.

Congratulations of the Senate were extended to Betty Orelemann by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. Freas H. Kreisler, Sr., by Senator Helfrick.

Congratulations of the Senate were extended to Kenneth Stuart and to Ellis Ray Meyers by Senator Mowery.

Congratulations of the Senate were extended to CAN DO, Incorporated of Hazleton by Senator Musto.

Congratulations of the Senate were extended to Dr. James E. Gilbert, Harvey Kreitzer, Community Area New Development Corporation of Hazleton and to the Tamaqua Area High School Track Team by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey L. McIntyre, Brenden Greiser, Jonathon Tayman and to All Saints Ukrainian Orthodox Church Camp of Elmenton by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. John M. Fetterman, Mr. and Mrs. Roy Fleming, Mr. and Mrs. Harry Hepler and to Mr. and Mrs. Charles Magdik by Senator Stapleton.

Congratulations of the Senate were extended to Arthur L. Powell and to Harold G. Schaeffer by Senator Thompson.

Congratulations of the Senate were extended to Scott Lean by Senator Tomlinson.

Congratulations of the Senate were extended to Christopher Cole, Jennifer Holmes, Sara Mugavero, Jo Lynn Dentith, Cortney Albert, Brian C. Slivka and to Philip E. Hammond by Senator Uliana.

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 Dale W. Yoho by Senator Shaffer.

BILLS ON FIRST CONSIDERATION

Senator TILGHMAN. 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:

HB 1346, HB 2002, HB 2041 and HB 2102.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, in today's Regular Session there is still the need for an off-the-floor meeting of the Committee on Judiciary. At this time I suggest that all Members of the Committee on Judiciary report to the Rules room at the rear of the Senate Chamber in order to conduct the business of that committee and at the same time concurrently we proceed with Petitions and Remonstrances on the floor.

The PRESIDENT. The Members of the Committee on Judiciary are to report to the Rules room at the rear of the Senate for that meeting.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, this past week I had the unfortunate responsibility to participate in approximately 8 hours or 9 hours, a significant amount of that time with yourself, Mr. President, in the 2 days of tribute and funeral of our late, great departed Senator Roxanne Jones. As those Members of the Senate who were there with us and the family this past Thursday, in the funeral service that lasted I guess about 5 1/2 hours, those of you who maybe participated in the community tribute the Wednesday evening before that, there was much to be said about the first and only African-American woman to ever be elected to this body as a Senator.

As I look to my right and I see her desk, still draped in black and the flowers still there, I am obviously reminded of the person and the personality, as Mayor Rendell said both nights at the community tribute and at the service itself, that no one who ever came in contact with Roxanne Jones, with Senator Jones, could ever say that they did not love her. All who came in contact with Roxanne Jones, with Roxie, with "the Rock," with our princess, with our sister, with our Senator, everyone who came in contact with Roxanne Jones, no matter what side of the aisle they were on, no matter what side of the issue, truly loved Roxanne Jones because of her commitment, because of her integrity, because of her absolute unshakable belief in the equality of all people, no matter their economic standing or their color or their gender, or wherever they were geographically, or spiritually, or whatever position they held. Roxanne loved all people and she fought for all people and she died in the process of fighting for all people.

There were also a lot of things that were said, Mr. President, in reference to what was the best way to pay tribute to her life and to her work. A lot of folks talked about voter registration, and some of us will begin that process, become more active in that process. A lot of folks talked about continuing to demonstrate and to be active and to stay committed, but we have a special responsibility, as you know, Mr. President, in this Chamber. We must continue to activate people, get them involved in this political process, but we must, Mr. President, give them a reason, something that they can commit themselves to be involved in. Too many times we do policy in this

Chamber, and that policy just is not connected to the millions of people who live and work and try to make their way through in this Commonwealth. We talk about all kinds of issues. We talk about budgets, we talk about all kinds of things, but so many people in this Commonwealth feel so disconnected to what it is that we do, that when it comes to a question of whether people want to vote or whether people see that there is a difference between Democrats and Republicans, they say, well, they do not see a difference. It is all the same. Why participate in the process? Because no matter whether there were good folks elected or bad folks elected, the results that got down to their level, to where they were, to their circumstances in life, just really had no significant impact. It did not change things for the better for them, it just seemed to make things worse. We have to, on both sides of the aisle, Mr. President, come up with public policy that makes a difference in all of the people's lives, that makes significant differences in all the people's lives.

I daresay that some of our colleagues who traveled to 12th and Poplar, to the United House of Prayer Church, united hope, really, because so much hope was there those last couple of days, I daresay that so many of our colleagues who traveled in that senatorial district throughout that community, who saw some of the things that were going on in that community, both negative and positive, that is where change is really happening, Mr. President, when we make things happen, and we have to develop policies that are consistent with making sure that we are changing the course and the lives of people who need us the most.

Roxanne Jones, just like myself and a number of others, but most specifically this Senator Roxanne H. Jones represented a viewpoint that needs all of us to find a way to struggle for. She lived for the 250,000 people whom she represented, and she died for them also. And this is not an issue of casting blame. This is not an issue of saying that this person killed Roxanne Jones or this law killed Roxanne Jones or anything, because in a lot of ways those who supported Roxanne Jones and those who supported her viewpoints and her policies, or at least those who voiced their support, helped to contribute to the poor physical condition she was in.

But this is the point: We have to say that all the wonderful words that were stated for Senator Roxanne Jones in those 2 days, at least in the 8 or 9 hours that I participated, that we have to put some action behind those words, that we have to make this budget and our policies and everything that we stand for in this Chamber relate directly to the constituencies that she fought for the hardest and that she advocated for on a daily basis. If we believe what we said, if we believe what it is we may have thought in those 2 days when we were doing our best to deal with her passing, if we do not turn the words and the emotions and the heartache and the grief into actual public policy, then everything that went on there will just be a matter of empty rhetoric. If we do not raise up young people to take on her same commitment and her same struggle, then all it was about was rhetoric. If we do not make sure that all Members understand that everyone in this Commonwealth of Pennsylvania, no matter their economic standing, is a full and equal

participant, or should be considered a full and equal participant, in the laws and the society of this Commonwealth, then everything that was said and everything that may have been felt was empty rhetoric.

Roxanne Jones was about action. She was about commitment, she was about fighting, but she was about making sure that everybody had an opportunity, and she was about more than rhetoric. She was about more than lots of speeches. She was about more than standing up at this podium or at her desk or any one of these microphones or down in the Rotunda or down in her district. She was about more than words, she was about deeds and making sure that there was dignity in all people.

We take an oath of office, Mr. President, and somewhere either said in that oath or in the spirit of that oath is about the issues of dignity and fairness and equity of opportunity, and making sure that everybody had a chance when they got up to the plate, that they would have the opportunity to swing and enjoy and live a full life in this Commonwealth. Our responsibility is making sure that we turn all of that rhetoric, all of that rhetoric into some kind of positive action that will impact on all the people Roxanne Jones fought for, lived for, and died for, and I hope if anything we learned a little something more in Roxanne's departure than what we learned while she was here with us.

Thank you, Mr. President.

HOUSE MESSAGE

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

June 4, 1996

Senators PUNT, AFFLERBACH, HELFRICK and PETERSON presented to the Chair **SB 1575**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for school breakfast and lunch programs, for nutrition education and for technical support services.

Which was committed to the Committee on EDUCATION, June 4, 1996.

Senators GREENLEAF, AFFLERBACH, BELL, PUNT and TOMLINSON presented to the Chair **SB 1576**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled, as reenacted and amended, "The Second Class Township Code," further providing for ordinances.

Which was committed to the Committee on LOCAL GOVERNMENT, June 4, 1996.

Senators GREENLEAF and TOMLINSON presented to the Chair **SB 1577**, entitled:

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

Which was committed to the Committee on JUDICIARY, June 4, 1996.

Senators GREENLEAF, AFFLERBACH, HECKLER, PETERSON, SALVATORE and SCHWARTZ presented to the Chair **SB 1578**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for mandatory jurisdiction of the court over guardianship support agencies and attorneys-in-fact; further providing for incapacitated persons with regard to notice of petition, hearings, appointment of guardians, emergency guardians, evidence of incapacity, reports of guardians, powers of guardians to enter into leases and accountings; and making technical changes.

Which was committed to the Committee on JUDICIARY, June 4, 1996.

Senators GREENLEAF, HELFRICK, PUNT, TOMLINSON, WENGER, HART and DELP presented to the Chair **SB 1579**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the defense of insanity.

Which was committed to the Committee on JUDICIARY, June 4, 1996.

Senators GREENLEAF, HECKLER, PETERSON, PICCOLA, WENGER, GERLACH and HART presented to the Chair **SB 1580**, entitled:

An Act establishing the Private Sector Prison Industry Board and providing for its powers and duties; providing for employment of inmates by private industry and for subcontracts with correctional agencies; establishing guidelines for inmate compensation; providing for location of private sector prison industry; and authorizing superintendents, wardens and other officials in charge of correctional institutions to establish inmate work force programs.

Which was committed to the Committee on JUDICIARY, June 4, 1996.

Senator SHAFFER presented to the Chair **SB 1581**, entitled:

An Act redesignating the Pullman Viaduct (SR 3001) in Butler County as the Picklegate Crossing.

Which was committed to the Committee on TRANSPORTATION, June 4, 1996.

Senator BELL presented to the Chair **SB 1582**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Medford's, Inc., a tract of land situate in the City of Chester, Delaware County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 4, 1996.

Senators LOEPER, WENGER, JUBELIRER, CORMAN, HELFRICK, HART and LEMMOND presented to the Chair **SB 1583**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1996, to June 30, 1997, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 4, 1996.

BILL SIGNED

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

SB 1371.

REPORTS FROM COMMITTEE

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

SB 819 (Pr. No. 2075) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of the offense of assault by prisoner; providing for consecutive sentences in certain aggravated assault cases and in cases involving assaults by prisoners and for aggravated harassment by prisoner; and further providing for assault by life prisoner.

SB 1536 (Pr. No. 1986)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing that breastfeeding is not violative of law and for exceptions to certain offenses for breastfeeding.

SB 1566 (Pr. No. 2056)

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," further providing for competency determination and burden of proof.

SB 1572 (Pr. No. 2062)

An Act amending the act of April 23, 1956 (1955 P. L. 1510, No. 500), entitled, as amended, "Disease Prevention and Control Law of 1955," further providing for HIV testing.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 72 (Pr. No. 1488)

A Concurrent Resolution directing the Joint State Government Commission to establish a task force and advisory committee to study issues relating to adoption law on an ongoing basis and to make recommendations to the General Assembly.

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

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 819, SB 1536, SB 1566 and SB 1572.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 5, 1996

9:00 A.M.	APPROPRIATIONS (to consider Senate Bill No. 1583)	Room 461 Main Capitol
9:00 A.M.	EDUCATION (to discuss Private Licensed School Board Regulation No. 6-253)	Room 8E-B East Wing
9:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 289, 416, 1292, 1333 and 1396; and House Bills No. 220 and 1865)	Rules Cmte. Conf. Rm.
10:30 A.M.	AGING AND YOUTH (to consider Senate Bills No. 465, 1063, 1209, 1513 and any other business that may come before the Committee)	Room 461 Main Capitol

FRIDAY, JUNE 7, 1996

3:00 to 5:00 P.M.	URBAN AFFAIRS AND HOUSING (public hearing to discuss House Bill No. 1757)	Pike Cty Courthouse Milford, PA
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ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 5, 1996, at 10 a.m., Eastern Daylight Saving Time.

Mr. President, I would just reiterate that 10 a.m. is a change from the original 11 a.m. starting time on the schedule.

The motion was agreed to.

The Senate adjourned at 5:40 p.m., Eastern Daylight Saving Time.